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# THE HISTORY OF ENGLAND.

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## BOOK XIX. SECT. II.

*Continuation of the Reign of* CHARLES I. *from* 1636 *to* 1640. *with the proceedings against the earl of* BRISTOL.

Charles I. 1636.

The king's designs with respect to Scotland.

WHILST endeavours were using in England to carry the prerogative-royal higher than ever, the king resolved to execute at last the project he had formed with regard to Scotland, namely, to reduce the kirk to a perfect conformity with the church of England. This project was formed by king James at his accession to the crown of England: nay, he had found means before he left Scotland to restore episcopacy, as will presently appear. From that time the bishops were always protected and countenanced by James I. and Charles I. who gained the parliaments to their interests, and moreover exerted their prerogative in favour of the prelates, for with them the execution of their design was to begin. As the troubles this affair occasioned in Scotland were the principal cause of the misfortune and ruin of Charles I. I think it indispensably necessary

Charles I. 1636.

to trace them to their origin, and the rather as they had great influence upon the affairs of England. Beſides, though many foreign authors have ſpoken of the differences between Charles I. and his ſubjects of Scotland, I do not know any one that has undertaken to explain this matter clearly, or ſpoken of it impartially.

The ſtate of epiſcopacy in Scotland from the reformation to 1637.

The reformation was received in Scotland by public authority in the reign of queen Mary, 1560, juſt before the death of Francis II. and whilſt the queen his widow was yet in France. The firſt that embraced the reformed religion in Scotland, under the former reigns, were much perſecuted, even to the time I have been ſpeaking of, and yet their number did not fail daily to increaſe. The biſhops thought themſelves bound in conſcience to perſecute the reformed: they were at once their adversaries and judges, and conſequently it was almoſt impoſſible but this conduct ſhould draw on them the enmity of the ſufferers; accordingly, the decree of the ſtates to admit the reformation was no ſooner made, than the biſhops loſt all their credit and authority. It is certain the plan on which the government of the new church was at firſt ſettled, was not favourable to epiſcopacy, but it was reſolved to conform to the diſcipline of the churches of Switzerland. The reformed had too great an averſion for the biſhops to remain under their yoke, eſpecially as there were but very few prelates that agreed to the late change in religion. All that was done in their favour was, that the council ordered ſuch as would embrace the reformation ſhould enjoy their revenues, on condition they would maintain miniſters. This plainly ſhows, that though their revenues were left them, there was no intention to continue the government of the church in their hands. It was not the ſame in England, when the reformation was received in the reign of Edward VI. Far for being prejudiced againſt the biſhops, the Engliſh on the contrary could not but own it was by means of the principal prelates that the reformation was eſtabliſhed. There was therefore no motive either of hatred or policy to incline the Engliſh to throw off epiſcopal government, though they ſhould be ſuppoſed to conſider it as a thing indifferent. But in Scotland, paſſions, policy, and reaſon itſelf required a deliverance from the yoke of the biſhops, who, for the moſt part, oppoſed the reformation to the utmoſt of their power: ſo preſbyteries, national ſynods, or general aſſemblies, were eſtabliſhed, to whoſe care the ſettling of the diſcipline was committed.

Theſe general aſſemblies at firſt had, or perhaps uſurped, a very great authority; it was even neceſſary their power ſhould

should be great, to enable them to defend the reformation against the perpetual attacks of its enemies. Queen Mary, who arrived soon after in Scotland, was a zealous catholic, and many of the principal lords were in the same sentiments: so the popish party were still very strong, and in condition to obstruct the progress of the reformation. On the other hand, the general assembly, which then consisted wholly of ministers, vigorously supported the new religion, notwithstanding the efforts of the catholic party. Mean while, though they ardently laboured to abolish episcopacy by public authority, they could not obtain of the parliament an express act for that purpose. At last, in 1566, the general assembly solemnly approved of the discipline of the church of Switzerland, and of a parity among the ministers. This was sufficient to overthrow at once the spiritual power of the bishops, but not to deprive them of their temporal privileges: so, from the year 1561, to the deposing of queen Mary in 1567, the state of the bishops was very uncertain. They enjoyed their revenues, sat in parliaments, but their spiritual jurisdiction was acknowledged by few, though they strove to preserve it. The general assembly had declared for the presbyterian government, but the parliament had not yet made any decision. Mean while the bishops were in a very melancholy situation, since the people, who had a great veneration for the general assembly, could not, after they had been condemned there, acknowledge them for pastors. So, though their spiritual authority was not expressly abrogated by the parliament, it was, as I may say, reduced to nothing, since they could not exercise it, the general assembly directing all the affairs of the church. This has occasioned warm disputes concerning episcopacy; some affirming it was entirely abolished in Scotland, and others, that it was always continued. One cannot but wonder at a dispute about a fact of this nature, and it is no less surprising that the parliament of Scotland should delay above thirty years to settle the government of the church by their authority: wherefore it is absolutely necessary to explain the reasons, otherwise it would be difficult to understand the causes of the troubles of Scotland, of which we must necessarily speak. But before I descend to particulars, it will be requisite to observe, that we must carefully distinguish the Benefice from the Office of a bishop: by the Benefice I mean the revenues, lands, honours, privileges, in a word, all the temporalities annexed to the quality of bishop; by the Office I understand the spiritual jurisdiction and functions of the bishops. If this

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Nalson, tom. i. p. 140.

Charles I. 1636. diſtinction is not continually remembered, it will be impoſſible to underſtand the diſputes concerning this matter.

It is certain, that from the year 1560, when the reformation was eſtabliſhed in Scotland, to the year 1609, the church of that kingdom was governed by preſbyteries, dioceſan and provincial ſynods, general aſſemblies, and that even ſuperintendants were appointed, who continued till the year 1575. It is no leſs certain that the general aſſemblies condemned and rejected epiſcopal government above thirty years, and, during that time, conſtantly demanded and earneſtly ſollicited the abolition of epiſcopacy, with reſpect both to temporals and ſpirituals. Nevertheleſs, from the beginning of the reformation till 1592, no expreſs act of parliament could be obtained, whether for or againſt epiſcopacy, or to approve or reject the preſbyterian government, if we except the interval between the years 1571, and 1575, of which I ſhall ſpeak hereafter [a].

Had the general aſſemblies confined their demands to the aboliſhing of epiſcopacy as to the ſpiritual functions, very likely they would have eaſily obtained it. But after the abolition of the epiſcopal office as far as in them lay, they were not contented with deſiring that their acts might be confirmed by the parliament, but demanded alſo that the name of Biſhop

[a] For the better underſtanding of the ſequel of the Scotch affairs, it will not be amiſs to give a brief account of the preſent government of the kirk of Scotland. Scotland are eight hundred and nine parſhes, each of which is divided in proportion to its extent into particular diſtricts, and every diſtrict has its own ruling elders (that is, men of the principal quality and intereſts in the parish), and deacon (that is, one who has a competency, and is of a good character for manners and underſtanding.) A conſiſtory of miniſters, elders, and deacons, is called a kirk-ſeſſion, the loweſt eccleſiaſtical judicatory, which meets once a week, to conſider the affairs of the pariſh: the miniſter is always moderator, but without a negative. Appeals lie from hence to their own preſbyteries, which are the next higher judicatories. Scotland is divided into ſixty-nine preſbyteries, each conſiſting of from twelve to twenty-four contiguous pariſhes: the miniſters of theſe pariſhes, with one ruling elder choſen half-yearly out of every kirk-ſeſſion, compoſe a preſbytery: they meet in the head town, and chuſe their moderator, who muſt be a miniſter; half-yearly he is only prolocutor. From hence appeals lie to provincial ſynods, which are compoſed of ſeveral adjacent preſbyteries, two, three, four, to eight: there are fifteen in all. The members are the miniſters and a ruling elder out of every pariſh. Theſe ſynods meet twice a year, at the principal town of its bounds: they chuſe a moderator, who is their prolocutor. The acts of the ſynod are ſubject to the review of the general aſſembly, the dernier reſort of the kirk of Scotland. It conſiſts of commiſſioners from preſbyteries, royal burghs, and univerſities: a preſbytery of twelve miniſters ſends two miniſters and one ruling elder; of between twelve and eighteen, it ſends three and one ruling elder; of between eighteen and twenty-four, ſends four and two ruling elders; of twenty-four, ſends five and two elders. Every royal burgh ſends one elder, and Edinburgh two; every univerſity ſends one commiſſioner, uſually a miniſter: the aſſembly meets once a year.

might

might be aboliſhed, and the Biſhops deprived of all ſorts of temporal honours and privileges, as the right of ſitting in parliament and the like. But the court always oppoſed it ſtrenuouſly, becauſe the biſhoprics and abbies being filled by the king, he could almoſt depend upon as many votes in parliament as there were biſhops and abbots. For the ſame reaſon the court, by ſecret practices, hindered the parliament from paſſing any act to eſtabliſh preſbytery and abrogate the ſpiritual juriſdiction of biſhops, becauſe it was perceived that this would tend to deprive them of their temporal honours. Not but that, in the actual practice of the church, epiſcopacy was really aboliſhed and preſbytery eſtabliſhed; but however, as long as there was no expreſs act to aboliſh epiſcopacy, the biſhops and abbots could not be prevented from voting in parliament, which was a great advantage to the court: ſo the name and title of biſhops and abbots ſtill ſubſiſted. They held the lands annexed to their benefices, and enjoyed the ſame temporal privileges with their predeceſſors, though the office was ceaſed. This is ſo true with reſpect to the abbots, as to admit of no diſpute: the abbies were in the poſſeſſion of laymen, who ſat in parliament by the name and title of Abbots. As to the biſhops, the thing is not ſo clear, becauſe the title of Biſhop was conferred on churchmen: had the court beſtowed the biſhoprics upon laymen, it would have given the aſſembly too great an advantage, who deſired nothing more than a plauſible pretence to preſs the abolition of the temporalities of the prelates. This ſhows that a man may juſtly ſay, there were, and there were not, at the ſame time, biſhops in Scotland: there were biſhops, if it is conſidered that there were perſons ſo called, who held the lands and revenues of the ſees, and who, as ſuch, had a ſeat in parliament; there were none, with reſpect to the ſpiritual functions, which were really aboliſhed by the decrees of the general aſſembly and by actual practice, though the parliament had not expreſly repealed them. Upon the confuſion of the ſpiritual and temporal ſtates of the biſhops all the objections and anſwers in this diſpute wholly turn. Some prove very plainly that epiſcopacy ſubſiſted in Scotland, provided they confine the meaning of that word to temporals; but their proofs are very defective with regard to ſpirituals. Others evidently ſhow that epiſcopacy was aboliſhed as to the ſpiritual functions by virtue of the acts of the general aſſembly; but they cannot prove it was aboliſhed with reſpect to the temporal privileges, ſince the parliament had not yet made any deciſion. As neither can produce any act of parliament,

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Charles I. at least till such a time, they alledge some from whence they
1636. endeavour to draw inferences to their advantage. But this requires a further explanation. For the better understanding this matter we must necessarily distinguish the various circumstances of Scotland, from the beginning of the reformation, namely, in the reign of Mary; in that of James VI. during his minority; under the same prince after assuming the government, according to the several ministers or favourites by whose advice he was directed; and lastly, under the same prince after his accession to England. The state of the bishops depended all this time on the interests of those who were in the administration.

The reign of Mary lasted till the year 1567. This queen was a zealous catholic, and yet, so long as the earl of Murray her natural brother had any credit with her, the reformation was not attacked. But towards the end of her reign, under Bothwel's administration, the general assembly lost ground. However, in 1566, they made the fore-mentioned decree, to approve of the discipline of the churches of Switzerland, and of a parity among the ministers, which entirely destroyed episcopacy. But the queen, regardless of the decree, openly restored the archbishopric of St. Andrews, notwithstanding the opposition of the assembly.

The interval from the deposing of queen Mary in 1567, to 1573, was a time of troubles and discord, under the administration of several regents, whose authority was not firmly established; so that it was very difficult for the parliament effectually to settle the discipline of the church. All that can be said is, that they rejected not what was established by the general assembly, though they gave not their actual consent to it. On the other hand, in 1572, and 1573, the regent, for some private views, caused some acts to be passed in favour of episcopacy, but which were afterwards repealed. These acts were as follows:

Nalson, tom. i. p. 141. By the first, which is the 46th of the parliament holden in 1572, it is declared, "The archbishops and bishops have the "authority, and are ordained, to convene and deprive all "inferior persons being ministers, who shall not subscribe the "articles of religion, and give their oath for acknowledging "and recognoscing of our sovereign lord and his authority, "and bring a testimonial in writing thereupon, within a month "after their admission."

By the 48th act of the same parliament it is declared, "That archbishops and bishops have authority at their visi-"tations to design ministers' glebes."

By

By the 54th of the ſaid parliament, "Archbiſhops and biſhops were authorized to nominate and appoint at their viſitations, perſons in every parochin for making and ſetting of the taxation, for upholding and repairing of kirks and kirk-yards, and to conveen, try, and cenſure all perſons that ſhall be found to have applied to their own uſe the ſtones, timber, or any thing elſe pertaining to kirks demoliſhed." Charles I. 1636.

By the 55th of the parliament in 1574, "Archbiſhops and biſhops were authorized to admoniſh perſons married, in caſe of deſertion, to adhere, and in caſe of diſobedience, to direct charges to the miniſter of the parochin to proceed to the ſentence of excommunication."

There appears in theſe four acts ſome ſigns of the epiſcopal juriſdiction, or at leaſt that the parliament did not look upon epiſcopacy as entirely aboliſhed. But on the other hand, if the biſhops actually exerciſed their functions at that time, where was the neceſſity of the parliament's authorizing them to act in moſt of the things ſpecified in theſe ſtatutes? But there is here a ſtronger objection ſtill againſt the biſhops; and that is, they who have thus cited theſe acts, have curtailed them, and paſſed over in ſilence the ſuperintendants who were joined with the biſhops, from whence it is inferred that the biſhops were impowered only as commiſſioners of the parliament.

I proceed now to the time of king James's majority, or at leaſt of his aſſuming the government, though he was not really of age. The earl of Morton having loſt his head in 1581, the duke of Lenox and the earl of Arran ruled the young king as they pleaſed. They were expelled afterwards by the Ruthens, but the king recalled the earl of Arran, who became more powerful than ever. It is certain this favourite's deſign was to diſengage the king his maſter from the intereſt of England, and to countenance the duke of Guiſe's project to invade Elizabeth by Scotland: it was the favourite's buſineſs therefore to curb the too great power of the general aſſembly, who ſtrongly oppoſed the execution of that project. The beſt way to ſucceed, was not only to protect the biſhops, but alſo to give them authority over the miniſters, that theſe might be more humble. To that end he procured the four following acts in the parliament of 1584.

The 140th ran: "That none of his majeſty's lieges and ſubjects preſume or take upon hand to impugn the dignity and authority of the three eſtates of this kingdom, whereby the honour and authority of the king's majeſty's ſupreme court of parliament, paſt all memory of man, hath been continued, Nalſon, tom. i. p. 142.

Charles I. 1636. "continued, or to ſeek or procure the innovation or diminution of the power and authority of the ſame three eſtates, or any of them, in time coming, under the pain of treaſon."

By the 131ſt, "All judgments and juriſdictions, as well "in ſpiritual as temporal cauſes, in practice and cuſtom, "during the twenty-four years by paſt, not approved by the "king and three eſtates in parliament, are diſcharged; "and it is defended, that none of his highneſs' ſubjects, of "whatſoever quality, eſtate, or function they be of, ſpiritual or temporal, preſume or take upon hand to convocate, "convene, or aſſemble themſelves together for holding of "councils, conventions, or aſſemblies, to treat, conſult, or "determinate in any matter of eſtate, civil or eccleſiaſtical, "(except in the ordinary judgments) without his majeſty's "ſpecial commandment, or expreſs licence had and obtained "to that effect."

By the 132d, "Biſhops are authorized to try and judge "miniſters guilty of crimes meriting deprivation."

The 133d ordains, "That miniſters exerciſing any of"fice, beſide their calling, be tried and adjudged culpable by "their ordinaries."

It is manifeſt, that the intent of theſe four acts was to aboliſh the general aſſemblies with the preſbytery, and reſtore the epiſcopal government. But it muſt be obſerved,

1. Theſe acts were made during the tyranny of the earl of Arran, who had formed the project of admitting into Scotland a popiſh army; and it is no credit to the biſhops, that he ſhould think them proper to countenance that deſign. 2. The general aſſembly ſolemnly proteſted againſt theſe acts, maintaining it was not in the power of the king and parliament to ſettle or alter the government of the church, without the church's conſent; that it could not be juſtly pretended that four biſhops, who were preſent in this parliament, and whoſe ſpiritual power was long ſince aboliſhed, and four laymen, under the name of abbots, were lawful repreſentatives of the whole church, or that their conſent to theſe acts ſhould be conſidered as the conſent of the national church. 3. Theſe four acts were repealed by the parliament of 1592.

I muſt proceed now to another juncture, when king James, freed from the earl of Arran's tyranny, having relinquiſhed the chimerical projects ſuggeſted by that favourite, was better acquainted with his true intereſts: I mean the year 1587. Though, in the beginning of this year, Elizabeth had be-

headed

headed Mary, king James's mother, he was ſoon comforted by the hopes of poſſeſſing one day the crown of England, which he was afraid of loſing in caſe he continued to form projects againſt religion, as he had done during the earl of Arran's miniſtry. This ſame year therefore he gave the royal aſſent to the Act of Annexation, whereby were annexed to the crown "All lordſhips and baronies pertaining "to whatſoever archbiſhops, or biſhops, abbots, priors, "nuns, and monks; reſerving always to archbiſhops, etc. "and others poſſeſſors of great benefices of the eſtate of pre-"lates, and which before had or hath vote in parliament, "the principal caſtles and fortalices." Charles I. 1636. Nalſon, tom. i. p. 161.

It may be inferred from this act, that the depriving the biſhops of their lands, was depriving them withal of the right of ſitting in parliament, ſince that right was founded entirely upon the poſſeſſion of the baronies: nay, it ſeems that the title of biſhop begun now to be conferred on laymen, which gave them only the poſſeſſion of the chief caſtle belonging to the ſee: at leaſt we find that, ſhortly after, the biſhopric of Cathneſs becoming vacant by the death of Robert earl of March, the king's uncle, the general aſſembly prayed his majeſty to give that ſee to a clergyman.

At laſt, in 1592, the parliament appealed and annulled not only the fore-mentioned acts of 1583, but alſo ſuch as were contrary to the diſcipline eſtabliſhed, "approving, ra-"tifying and confirming the aſſemblies, preſbyteries, and ſy-"nods, with the diſcipline and juriſdiction of the kirk, as "moſt juſt and godly, notwithſtanding whatſoever ſtatutes, "acts, canons, civil or municipal laws made in the contra-"ry. Further, they abrogated all acts, granting commiſſion "to biſhops and other judges conſtitute in eccleſiaſtical "cauſes; and ordained preſentation to benefices, to be di-"rected to preſbyteries, with power to give collation there-"upon." Id. p. 163.

This act was confirmed in 1593, and the power of preſbyteries ſolemnly acknowledged by the parliament in 1594, Act 129.

Was not this ſufficient to aboliſh epiſcopacy entirely? By the act of 1587, the biſhops were diſpoſſeſſed of their lands; and by that of 1592, they loſt all manner of juriſdiction: for how could the power of the preſbyteries and general aſſemblies be conſiſtent with the epiſcopal juriſdiction? And yet there were perſons who ſtill bore the name of biſhop, by reaſon of their holding caſtles formerly belonging to the ſees; for it does not appear upon what other account they could be Ibid.

called

Charles I. 1636. called bishops: nay, very likely, several of these sorts of fees were in lay-hands; at least, the abbies and priories were certainly so.

But things remained not long upon the same foot. Whether the general assemblies usurped too much authority, after they were freed from the bishops, or for some other reasons, the king formed new projects, and resolved to restore the bishops. At that time, as at many other junctures, the court had so great an influence over the parliament, that almost whatever was desired, was enacted.

Nalson, t. i. p. 164. The king therefore so ordered it in 1597, that "the privilege of a voice in parliament was granted to the whole "kirk; and under that name to bishops and abbots, even as "in times of papistry. As to the office and spiritual government of bishops, the parliament remitted them to the "king and the assembly, intending not to derogate from the "provincial and general assemblies, and other whatsoever "presbyteries and sessions, nor from the discipline established "in the kirk."

The act shows, the bishops had lost their right of seat in parliament, since there was occasion to give it them again. By virtue of this act, they resumed their places in parliament, and even Sir Robert Spotiswood a layman took his seat there, as abbot of New-Abbey. The king desired nothing more at that time than to introduce the bishops and abbots again into the parliament. But he did not stop there, as will be seen presently.

Mean while, as the general assembly still continued strenuously to oppose the promotion of churchmen to posts of authority in the state, and as the people seemed more inclined to follow the determinations of the general assembly, than those of the parliament, it was to be feared, this dissention would at last raise disturbances in the kingdom. To prevent this inconvenience, the king caused the general assembly, held at Montrose in the year 1600, to be pressed so earnestly to consent to what the parliament of 1597 had granted to the bishops, that they were obliged either to comply, or entirely break with him. They approved this act therefore, but upon certain conditions, the substance whereof was, that the bishops should act in parliament only as commissioners or deputies of the kirk, and should be subject to the general assembly. The conditions laid upon them were these:

They shall obtain a commission from the general assembly, to act in their name in parliament, and shall swear to observe the following articles.

They shall move nothing, without having an express order from the kirk, on pain of being deprived of their office. Charles I. 1636.

They shall not consent, no not by their silence, to any thing against the liberties of the kirk, under the same penalty.

They shall be accountable to each general assembly, for their behaviour in the discharge of their commission, since the last assembly; be obliged to demand the approbation, and submit to the determination and censure of the assembly without any appeal, on pain of being pronounced infamous and excommunicated.

They shall be satisfied with that portion of their benefices, the king shall please to allot them for their subsistance, that they may not be a burden to the ministers that are already, or shall be hereafter settled in their benefices.

They shall not suffer their benefices to go to decay, or dispose of any thing belonging thereto, without the consent of the king and the general assembly, and shall allow that inhibitions be directed to them for that purpose.

They shall exercise the functions of pastors in their own congregations, and be subject to the censure of their own presbyteries and the general assembly, like the rest of the ministers that are not commissioned.

In the administration of discipline, and in every thing relating to the government of the kirk, they shall usurp no power or jurisdiction beyond what is adjudged to other ministers, on pain of forfeiting their office.

In presbyteries and general and provincial assemblies, they shall demean themselves in the same manner as other ministers, and shall be liable to their censure.

None of those that sit in parliament shall be members of the general assemblies, unless they be expressly deputed by their presbyteries.

It is plain from these conditions, inserted in the act of parliament made to confirm that of 1597, what was the intention of the Montrose assembly, in agreeing, out of complaisance to the king, that the bishops should sit in parliament. The bishops embraced what was for their advantage, namely, the assembly's consent to the privilege that was granted them: but never performed any of the conditions. The court was then favourable to them, but it was still more so, after the king's accession to the crown of England.

As soon as James I. became king of England, he formed, as I said, the project of establishing in the kirk of Scotland, the discipline and hierarchy of the church of England. To accomplish

Charles I. 1636. accompliſh this deſign, it was neceſſary to reſtore the biſhops to all the rights they had enjoyed before the reformation, and accordingly he reſolved to begin with that reſtoration. His power in the parliament was very great during the laſt years of his being in Scotland; but it was nothing in compariſon of what it was after his acceſſion to the throne of England. It ſuffices to ſay, that this influence was in proportion to the means he had of diſpenſing to his Scotch ſubjects favours, which he had not been able to grant them in their own country. We have ſeen, in the hiſtory of his reign, how he ſhowered his bounties upon them, which the Engliſh could not forbear to complain of. It is not therefore very ſtrange, that the members of the parliament of Scotland ſhould be at his devotion. He made uſe of his credit in the year 1606, and obtained the following act of parliament:

Nalſon, t. i. p. 143.

"The antient and fundamental policy, conſiſting in the "maintenance of the three eſtates of parliament, being of "late greatly impaired, and almoſt ſubverted, eſpecially by the "indirect aboliſhing of the eſtate of biſhops by the act of annexation: albeit it was never meaned by his majeſty, nor "by his eſtates, that the ſaid eſtate of biſhops, being a neceſſary eſtate of the parliament, ſhould any way be ſuppreſſed; yet by diſmembring and abſtracting from them of "their livings, being brought in contempt and poverty, the "ſaid eſtate of biſhops is hereby reſtored, and redintegrate to "their antient and accuſtomed honours, dignities, prerogatives, privileges, lands, teindes, rents, as the ſame was in "the reformed kirk, moſt amply and free, at any time before the act of annexation; reſcinding and annulling all "acts of parliament made in prejudice of the ſaid biſhops in "the premiſſes, or any of them, with all that hath followed, "or may follow thereupon, to the effect they may peaceably enjoy the honours, dignities, privileges and prerogatives competent to them or their eſtate ſince the reformation of religion."

Thus far however it concerned only the temporalities, there not being in the act a ſingle word from whence it might be inferred that the parliament reſtored the biſhops to their ſpiritual functions or antient juriſdiction. The general aſſembly pretended indeed, that the king and parliament could make no alterations in the ſpirituals, without the kirk's conſent: but they had no power to hinder the king and parliament from giving the lands of the crown to whom they pleaſed, and from admitting into the parliament ſuch

as

as they thought proper. But the king did not intend to ſtop there. Charles I. 1636.

In 1609, the king, under colour of confirming the act of 1606, obtained of the parliament another act, which in confirming the other, added a clauſe, whereby the biſhops were reſtored to all their former authority, privileges and juriſdictions. By virtue of this laſt act it was that the biſhops took poſſeſſion of the government of the kirk, notwithſtanding the conditions of the Montroſs aſſembly, which they little regarded, and ſuppoſed to be annulled by this act. But the general aſſembly proteſted in form againſt this act, affirming the parliament had not power, without the kirk's conſent, to reſtore a ſpiritual office that had been aboliſhed. They proteſted alſo againſt the promotion of churchmen to civil poſts, as pernicious to religion. Their proteſtation was rejected: but however it was printed and diſperſed throughout the kingdom. Nalſon, t. i. p. 143.

The general aſſembly's oppoſition had a great effect upon the people, who loved not the biſhops, and for fifty years had been uſed to the preſbyterian government. They complained, the parliament had been gained to impoſe upon them epiſcopal government, which was odious to the whole nation, not only without conſulting the kirk, but even againſt her will. This oppoſition convinced the king, that notwithſtanding the authority of the parliament, he ſhould find it very difficult to reduce the people of Scotland to obedience, ſo long as the general aſſembly oppoſed the reſtoration of the biſhops. He reſolved therefore to cauſe a general aſſembly to be held at Glaſgow in 1610, where he took care to gain a majority of votes, and of which the biſhops were the chief directors. The aſſembly thus diſpoſed, agreed that the biſhops ſhould reſume all their ſpiritual functions, with the government of the church. After that, in 1612, the king called a parliament, who, upon the conſent of the Glaſgow aſſembly, paſſed an act, whereby the biſhops were reſtored to all their ſpiritual rights.

The adverſaries of the biſhops, aſtoniſhed at this proceeding, were forced to be ſilent, the torrent being too ſtrong to be oppoſed. Beſides, the general aſſemblies being grown leſs neceſſary, ſince the biſhops had the government of the church, the king very ſeldom gave them leave to meet, and when he did, it was after he had taken all neceſſary precautions to be aſſured that the biſhops would be the directors and managers. In 1617, he moreover obtained of the parliament an act, whereby it was ordained, that the biſhops ſhould

Charles I. 1636. should be elected by the chapters, and conſecrated with the accuſtomed rites, that is, with thoſe introduced of late years. As during the troubles in Scotland on account of religion, the people, as will preſently appear, loudly complained of the reſtoration of the biſhops, the conſent of the Glaſgow aſſembly in 1610 was continually objected to them. For this reaſon the firſt general aſſembly that king Charles was obliged to grant in 1638, found no better method to evade this objection, than to declare the Glaſgow aſſembly void from the beginning.

Such was the ſtate of epiſcopacy in Scotland, from the beginning of the reformation to the reign of Charles I. who, at his acceſſion to the throne, found it fully eſtabliſhed, though contrary to the bent of the nation in general, as it plainly appeared afterwards. James I. as I obſerved, had formed the deſign of putting the kirk of Scotland upon the ſame foot with the church of England. He had made great progreſs therein, and Charles I. purſued the ſame deſign with ſtill more ardor than his father. But as hitherto I have related only what concerns the biſhops, it is neceſſary, before we ſpeak of the troubles of that kingdom, which firſt commenced in 1637, to mention the meaſures ſucceſſively taken by the two kings to accompliſh their deſign.

After James I. had entirely reſtored epiſcopacy in Scotland, he reſolved to finiſh his work by degrees. To that purpoſe, he began with five articles mentioned in the hiſtory of his reign, which he cauſed to be approved by the general aſſembly of Perth, by means as illegal perhaps as violent [b]. The biſhops governed the preſbyteries, by making themſelves moderators, ſo that it was not poſſible to chuſe any for commiſſioners to the aſſembly general, but ſuch as they thought proper. However, the five articles being approved, the king, who by long experience was well acquainted with the genius and character of the Scots, thought it neceſſary, before all things, to curb the petulancy and boldneſs of the miniſters, for fear they ſhould raiſe diſturbances in the kingdom. The people had for them a great veneration, which was even increaſed after the reſtoration of the biſhops, becauſe theſe were more careful to maintain their grandeur and power, than to gain the love of their flocks. To compaſs his ends, the

[b] See vol. viii. p. 139, where Rapin calls them four. The articles were, kneeling at the ſacrament, communicating the ſick, private baptiſm, confirmation, keeping ſome feſtivals. Many Scotiſh preſbyterians, it ſeems, were ſo weak as to believe, that theſe were the five articles condemned at the ſynod of Dort. See the five articles of Dort, vol. viii. p. 331.

king

king ſet up in Scotland a high-commiſſion, like that in Eng- Charles I.
land, but which, till then, was unheard of in Scotland. As 1636.
the Scots had never given their king the title of ſupreme head of the church, as was done in England, there had been no occaſion to eſtabliſh a high-commiſſion in Scotland, to exerciſe the ſupremacy in the king's name. But James I. who was very apt to ſtretch his prerogative, readily believed, he had no leſs right to exerciſe the ſupremacy in Scotland than in England, though till now he had never thought of any ſuch thing. Be this as it will, by means of this new court, which was at firſt very ſevere, and excommunicated and deprived the miniſters for the leaſt offence, he kept them ſo in awe, that not a man dared to ſtir. This, with the favours beſtowed upon ſuch as ſhowed a readineſs to countenance his deſigns, made him almoſt ſecure of ſucceſs in his undertaking, which daily advanced. Nothing was wanting to compleat it, but the cauſing the Engliſh liturgy and canons to be received in Scotland, after which, there would be no difference between the churches of the two kingdoms. This was as eaſy to be accompliſhed, as what had been done already. So the king having convened a general aſſembly at Aberdeen, it was repreſented to them, that divine ſervice was performed in the kirk of Scotland after an indecent manner, every miniſter having liberty to compoſe public prayers and uſe what expreſſions they pleaſed, which was liable to great inconveniencies: that it would therefore be proper to compile a liturgy to be uſed in every church in Scotland, to the end the people might every where pray with one heart and one mouth. It muſt be obſerved, that it was not moved to receive the Engliſh liturgy, but only to compoſe one proper for the kirk of Scotland. Whereupon ſeveral members of the aſſembly believed, they might without danger agree, that a common-prayer-book ſhould be uſed, and the rather, as the reformed churches of Geneva, Switzerland, France, and Germany, had their ſeveral liturgies, though very different from that of the Engliſh. This motion being approved, the aſſembly appointed commiſſioners to compoſe the new liturgy, and it may well be imagined, this nomination was agreeable to the king's deſire. Theſe commiſſioners, moſt of whom were biſhops, after ſpending a conſiderable time in framing the liturgy, only copied that which was ſet forth in England in the reign of Edward VI. and ſent it to the king for his approbation.

The affairs of the palatinate and the Spaniſh marriage ſo ingroſſed king James during the laſt years of his life, that he could

Charles I. could not effectually think of finiſhing the work he had un-
1636. dertaken in Scotland. As he knew the Scots perfectly, and their ſtrong prejudice for preſbyterianiſm, he doubtleſs thought proper to defer the execution of his deſign till he had ended his two principal affairs. He was apprehenſive, that if any troubles ſhould unfortunately happen in Scotland on account of the liturgy, they might divert him from what was then the principal object of his care. I have related in the hiſtory of his reign, how he was amuſed for many years, and therefore he could not, before his death, finiſh what he had begun, but left it to the care of his ſucceſſor.

Burnet. Mem. Ham. Charles I. was no leſs eager than his father, to eſtabliſh in Scotland the diſcipline of the church of England. But his circumſtances in the beginning of his reign, did not allow him to apply himſelf to the finiſhing of this affair with all the ſpeed he deſired. His wars with Spain and afterwards with France, his projects with regard to his prerogative, his continual quarrels with the parliaments, required his whole application. Beſides, it was not proper in theſe junctures to rouze the Scots, who indeed ſeemed quiet and ſubmiſſive, but however were very diſcontented, as the king well knew. He ſtayed therefore till he had concluded a peace with France and Spain, and rendered himſelf as it were abſolute by the diſſolution of three parliaments, by his reſolution never to call any more, and by eſtabliſhing his prerogative concerning taxes without the concurrence of the parliament. Then it was that he ſeriouſly thought of compleating the reduction of the kirk of Scotland to a perfect conformity with the church of England. He had not however been idle with reſpect to Scotland during theſe firſt years of his reign. Though he had delayed the execution of his deſign, it was ever in his thoughts, and he had taken ſome meaſures which ſeemed to warrant ſucceſs. 1. He had either continued or renewed the high-commiſſion, introduced by the king his father. 2. He had almoſt aboliſhed the general aſſemblies, by not allowing any ſince his acceſſion to the throne. 3. He had ſo ſupported and countenanced the biſhops, that they had the clergy entirely in their power, whom they ruled with a very heavy hand. 4. He had gained a great number of the miniſters by means of benefices and eccleſiaſtical offices or dignities, which were granted only to thoſe whoſe compliance he could depend upon. 5. He had ſo filled the council of Scotland, in whoſe hands the adminiſtration of affairs is lodged in the king's abſence, that there was ſcarce a privy-counſellor but what was engaged to promote his deſigns.

Rushworth, ii. p. 386. Annals, p. 614, &c.

6. There

6. There was in this council ſeveral biſhops, and the archbiſhop of St. Andrews was veſted with the chancellorſhip, the prime office of the kingdom [c]. 7. He had ſecured the lords of ſeſſion, that is, of the college of juſtice [d], and in a word, all who had places depending upon the court. 8. He had charged Laud, archbiſhop of Canterbury, to hold continual correſpondence with the biſhops and council of Scotland, and take with them the neceſſary meaſures to accompliſh the deſign. It ſeemed therefore impoſſible, that the king ſhould meet with any oppoſition from a diſperſed people, without leaders, without ſupport, and deſtitute of the aſſiſtance of their magiſtrates. Charles I. 1636. Clarendon. t. i. p. 67. Ruſhworth, ii. p. 386.

With all theſe advantages, Charles undertook to finiſh what ſtill remained to be done in Scotland. To that end, after a reviſal of the liturgy tranſmitted to the late king, he ſent it back into Scotland, with orders to have it received in the kirk. But upon the objection, that this liturgy being word for word the ſame with that of the church of England, the Scots might take offence at the impoſing upon them the liturgy of another kingdom, he thought proper to make ſome alterations, and ordered, that inſtead of the Engliſh verſion of the Pſalms, and of the Epiſtles and Goſpels, the Scotch tranſlation ſhould be inſerted in the liturgy of Scotland. After that, he believed it could not be complained of with the leaſt ſhadow of reaſon, that he had a mind to impoſe the Engliſh liturgy upon the kirk of Scotland, though there was no other difference between them, than what I have mentioned [e]. 1637. Deſign to ſend the new liturgy into Scotland, put off. Ruſhworth, ii. p. 586, &c. Annals. Nalſon. Clarendon.

During the reviſal of the liturgy, the king ſent into Scotland a book of canons, for the government of the kirk, and theſe canons enjoined a conformity to the liturgy, though it The king ſends a book of canons into Scotland, Clarendon, t. i. p. 84.

[c] This office had never been in the hands of a churchman ſince the reformation. He made likewiſe nine biſhops lords of ſeſſion, or privy-counſellors. Clarendon, tom. i. p. 67. Ruſhworth, tom. ii. p. 386.

[d] This court was inſtituted by James V. (after the form of the ſupreme ſovereign court or parliament of Paris) who gave it great privileges and immunities. The lord chancellor claimed a right to preſide in this as in all the king's courts. But this was much diſputed by the court of ſeſſion, and therefore he ſeldom came there. This court ſits from the firſt of November, to the laſt of February, and from the firſt of June, to the laſt of July. From hence lies no appeal. It conſiſts of fifteen members.

[e] See a particular account of the differences between the two liturgies in Collier's Eccl. Hiſt. tom. ii. p. 768, 769.——King Charles, in his declaration about the Scotiſh liturgy, ſays, "That it was compoſed in ſubſtance "not different from that of England, "that the Roman party might not upbraid the two nations with any "differences in their liturgies, and yet in "ſome few alterations differing from it, "that it might truly be reputed a book "of the Scotiſh church's own compoſing." Ruſhworth, tom. ii. p. 387.

Charles I. 1637. was not yet publiſhed, nor ſo much as known to the people. This was ſo groſs an error, that it muſt be ſurpriſing, the king and his miniſters could be guilty of it. The pretence to introduce theſe new canons was, that the acts of the general aſſemblies not being printed, but contained in many large manuſcript volumes, remained unknown to the people. For this reaſon the king imagined, they would be obliged to him for his care in extracting the moſt material and principal things, in a little book which might be in every one's hands. It ſeems ſometimes, that certain princes imagine they have a ſovereign power, not only over the bodies, but alſo the underſtandings of their ſubjects, to make them believe the greateſt abſurdities. We have here two remarkable inſtances. Charles undertakes to perſuade the people of Scotland, that he does not pretend to impoſe the Engliſh liturgy upon them, though it is the very ſame, not only in ſubſtance, but word for word, becauſe the verſion of the epiſtles and goſpels is different. On the other hand, he would have them believe, that the book of canons is only an abſtract of the acts of their general aſſemblies, though the contrary be evident. From the beginning of the reformation, to the Glaſgow aſſembly in 1610, that is, during the ſpace of fifty years, the general aſſemblies had always condemned and rejected epiſcopacy, and all their acts, without exception, ſuppoſed the preſbyterian government. The book of canons, on the contrary, ſuppoſed, in every article, the eccleſiaſtical hierarchy, and epiſcopal government. How then was it poſſible to perſuade the Scots, that this book of canons was an abſtract of the acts of their general aſſemblies? This was impoſing upon them in a very ſtrange manner [f].

and afterwards the liturgy. Id. p. 86. Ruſhworth, t. ii. p. 387. Nalſon, tom. i. p. 6 &c. Annals, p. 615.

The liturgy being ready, the king ſent it into Scotland, and appointed it to be read in all the churches of Edinburgh on Eaſter-day this year 1637. But upon farther conſideration, the order was revoked. The king was told, it might be dangerous to ſurprize the people with the reading of the liturgy before they were prepared. That it was more proper to defer it ſome months, in order to ſee whether, in that interval, the male-contents would attempt to oppoſe it. In that caſe, they might be oppreſſed before they had time to

[f] The lord Clarendon juſtly obſerves, as ſomething ſtrange, that neither theſe canons, nor the liturgy, were communicated to the Scotiſh clergy, not paſſed their approbation. They were compiled by ſome Scotiſh biſhops, and tranſmitted from Scotland to archbiſhop Laud, Juxon biſhop of London, and Wren of Norwich, who reviſed, and put the finiſhing hand to them. Clarendon, tom. i. p. 83, 85, 86.

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take juſt meaſures, and the ill ſucceſs of their attempt, would only ſerve to promote the king's deſign. This reaſon appeared ſo plauſible, that the king ordered the reading of the liturgy to be deferred till Sunday the 23d of July the ſame year. During this whole interval, there was no unuſual motion in Edinburgh, nor the leaſt appearance that the king's orders would meet with oppoſition[g]. To be ſtill more ſecure, the council cauſed it to be publiſhed eight days before in all the churches of the city, that the liturgy would be read the Sunday following. No perſon ſtirred the whole week, and all was ſo quiet in the city, that the council doubted not of ſucceſs. Charles I. 1637.

The liturgy ordered to be read in the churches of Edinburgh.

Nevertheleſs, the next Sunday the lord-chancellor, moſt of the lords of the council, ſome biſhops, the lords of ſeſſion or judges of the realm, and the magiſtrates of Edinburgh, repairing to St. Giles's church, the cathedral of the city, when the dean opened the book to read the liturgy, the meaner ſort of people, with clapping of hands, execrations and outcries, raiſed ſo hideous a noiſe, that it was not poſſible to hear a word. Whereupon the biſhop of Edinburgh, who was to preach, ſtepping into the pulpit with thoughts to appeaſe the people, was received with the ſame clamours and imprecations; and if a ſtool, thrown at his head, had not been diverted by the hand of one preſent, would have been in danger of being killed. The lord-chancellor and judges found no more reverence. At laſt, the provoſt and bailiffs of the city came from their places, and with much difficulty thruſt out of the church the inraged populace, and ſhutting the doors, the dean read the liturgy, though continually interrupted by the noiſe without, and the ſtones thrown in at the windows. There were the ſame tumults in all the reſt of the churches of Edinburgh, and yet no one was killed or wounded: only the biſhop of Edinburgh ran ſome riſk both in the church and in retiring to his lodging. This firſt tumult was raiſed only by the rabble, no perſon of condition or name appearing in it. The magiſtrates of Edinburgh openly diſavowed theſe diſorders, and promiſed the council to uſe their endeavours to diſcover and puniſh the authors and abettors. They offered likewiſe to take order for the ſecurity of the miniſters who

Tumult at Edinburgh. Clarendon, t. i. p. 87. Ruſhworth, t. ii. p. 388. Nalſon, t. i. p. 6, Annals. Salmonet. Guthry.

[g] Nor (ſays the lord Clarendon) was any thing done for the better adjuſting things in the time of this ſuſpenſion, but every thing left in the ſame ſtate of unconcernedneſs as it was before; not ſo much as the council's being better informed of it; as if they had been ſure all men would have ſubmitted to it for conſcience ſake. He ſays, the earl of Traquaire adviſed this delay. Vol. i. p. 87.

Charles I. 1637. should be appointed to read the liturgy another time, and writ to the archbiſhop of Canterbury to clear themſelves, deſiring him to repreſent their innocence to the king.

Auguſt 19. Rushworth, t. ii. p. 393. Preparations for another tumult. Id. p. 400.

Harveſt approaching, many people left Edinburgh and went into the country. Mean while, the magiſtrates of the city prayed the council that the liturgy might not be read, becauſe they had obſerved the people were not yet diſpoſed to receive it. But in October, after harveſt, ſo great a concourſe of people flocked to Edinburgh, that it was eaſy to ſee a freſh tumult was preparing. Wherefore the council publiſhed three proclamations. The firſt, to order all ſtrangers to depart the city within twenty-four hours. A ſecond, for removing the ſeſſion[h] from Edinburgh to Dundee[i]. A third, for calling in and burning a ſeditious book, intitled, "A Diſpute againſt "the Engliſh Popiſh Ceremonies, obtruded upon the Kirk "of Scotland." The firſt and laſt were not much regarded.

The council's proclamations of no effect. October 17. Id. p. 401, 402.

A ſecond tumult at Edinburgh. Id. p. 402. Nalſon, t. i. p. 11, &c. Annals. Clarendon.

On the morrow, the 18th of October, the people came together in a tumultuous manner in the ſtreets of Edinburgh, and ſeeing the biſhop of Galloway as he was going to the council, a great multitude followed him all the way with continual curſings, but however did him no hurt. They even beſet the council-houſe, demanding the biſhop's perſon, tho' it was in their power to have ſeized, nay, to have killed him whilſt he was in the ſtreet. The council finding themſelves thus beſet, ſent to the magiſtrates to come to their relief; who anſwered, they were themſelves ſurrounded in their town-houſe by their own citizens, who threatned to tear them in pieces, if they did not immediately ſign a paper, which for fear of their lives they were forced to do. The paper contained theſe three things: Firſt, that the magiſtrates ſhould join with the people in petitioning againſt the liturgy: Secondly, that by their authority they ſhould preſently reſtore to their pulpits Ramſey and Rollock, two ſilenced miniſters, very much beloved by the people: Thirdly, that they ſhould reſtore to his place one Henderſon, a ſilenced reader. Upon this the earls of Traquaire and Wigton, the firſt of whom was lord-treaſurer, came to the town-houſe to adviſe with the magiſtrates, what was beſt to be done for the ſafety of the biſhop of Galloway, who was ſtill beſet. After the conſultation, the two earls returning to the council, were inſulted by the populace. The earl of Traquaire was thrown down, his

Rushworth, t. ii. p. 403, 404. Nalſon, t. i. p. 12.

[h] The ſame as the term in England.

[i] The council and ſeſſion were, removed for the preſent to Linlithgow, and after much vexation to Dundee. But the council ſat often at Dalkeith. See the proclamation in Ruſhworth, tom. ii. p. 401.

hat,

hat, cloak, and white-ſtaff taken from him, the people cry- Charles I.
ing out, "God defend all thoſe who will defend God's cauſe, 1637.
"and God confound the ſervice-book and all the maintain-
"ers of it." Preſently after the provoſt came to the coun-
cil, and declared, that though he had uſed his utmoſt endea-
vours, it was not poſſible to appeaſe the people. At laſt the
lords of the council applied themſelves to ſome of the nobi-
lity and gentry and others who were now aſſembled to ſign
the petition againſt the ſervice-book. Theſe men had more
credit with the populace than the magiſtrates, and prevailed
with them at length to retire. The ſecond tumult, wherein
no perſon was killed or wounded no more than in the firſt,
ſeemed however to be more important and dangerous, becauſe
in the firſt, none but the rabble were concerned, whereas it
plainly appeared, the mutineers were countenanced by ſe-
veral lords and gentlemen, as well as by the better ſort of
citizens.

The tumult being appeaſed, a proclamation was publiſhed Another proclamation to no purpoſe. Id. p. 404. Naiſon, t. i. p. 82. Annals.
forbidding any meetings in the ſtreets or elſewhere; a procla-
mation of no uſe, at a time when the council could not be
ignorant how much their authority was contemned by thoſe
whom they would have inſpired with fear. Accordingly, ſo
far were the male-contents from being terrified, that they ſent
their commiſſioners to the board, to require that the ſilenced
miniſters might be reſtored to them, and that they might have
aſſurance for the punctual performance of what had been lately
promiſed them by the magiſtrates. The council could eaſily
ſee by this conduct, that the male-contents had no deſign to
ſtop there. And indeed, ſhortly after, the lord-chancellor
received two petitions, one in the name of all the men, wo-
men, children, and ſervants of Edinburgh againſt the liturgy:
the other from the noblemen, gentry, miniſters and burgeſſes
of the ſame city, againſt the liturgy and book of canons.

The firſt alledged, "That they had a long time winked The women and children's petition to the council againſt the ſervice-book. Rushworth, t. ii. p. 405.
"at ſome alterations, being put in hope that no farther in-
"novations ſhould follow. But now ſeeing that they were
"like to be conſtrained to embrace another ſervice, not
"approved by church and kingdom, and which had nei-
"ther been agitated nor received either by general aſſembly
"or parliament; they therefore deſired that they might have
"the happineſs of enjoying their religion, as it had been re-
"formed in that land, and authorized by his majeſty."

In the ſecond, the petitioners complained, "That where-
"as they were attending a gracious anſwer to their former
"ſupplications againſt the ſervice-book, they were ſurprized

Charles I. 1637.

"and charged by public proclamation, to depart out of the "town within twenty-four hours thereafter under pain of "rebellion; by which their fears of a more ſevere and ſtrict "courſe of proceeding were augmented. Wherefore they "were conſtrained to remonſtrate, that in the book of Com- "mon-Prayer, drawn up and ſet forth by the archbiſhops "and biſhops, were ſown the ſeeds of divers ſuperſtitions, "idolatry, and falſe-doctrine, contrary to the religion eſta- "bliſhed in the realm by divers acts of parliament. That in "the book of canons, &c. it was ordained, "That whoſo- "ever ſhall affirm, that the form of worſhip inſerted in the "book of Common-Prayer, and adminiſtration of the ſacra- "ments, doth contain any thing repugnant to the ſcriptures, "or are corrupt, ſuperſtitious, or unlawful in the ſervice and "worſhip of God, ſhall be excommunicated, and not be re- "ſtored, but by the biſhop of the place or archbiſhop of the "province." That beſides it is ordained, that "where in "any of the canons there is no penalty expreſsly ſet down, "the puniſhment ſhall be arbitrary as the biſhop ſhall think "fitteſt." All which canons were never ſeen or allowed in "any general aſſembly, but were impoſed contrary to order "of law appointed in the realm for eſtabliſhing conſtitutions "eccleſiaſtical. Laſtly, that the biſhops had not only begun "to urge the acceptance of thoſe things, by injunctions given "in provincial aſſemblies, but alſo by open proclamation and "charge of Horning[k]. Wherefore the petitioners craved, "that this matter might be put to the trial, and the prelates "be taken order with according to the laws of the realm, "and not ſuffered to ſit any more as judges, until the cauſe "be tried and decided according to juſtice."

The petition of the noblemen, &c. Id. p. 406. Nalſon, t. i. p. 13, 14, &c. Annals.

The king thought not fit to anſwer theſe petitions, being on the contrary determined to puniſh ſeverely the authors of the late tumults. However he commanded the privy-council to publiſh a proclamation on this occaſion, ſuppoſing, though without any foundation, it would be capable of ſatisfying the people. After mention in the proclamation of the lords petition, &c. it was ſaid, "His majeſty, in a juſt reſentment "of that foul indignity, the late inſurrections at Edinburgh, "hath been moved to delay the ſignification of his majeſty's "gracious intentions, in giving to his ſubjects ſuch ſatisfac- "tory anſwers to their petitions, as in equity might be ex- "pected from ſo juſt and religious a prince: but yet his ma- "jeſty being unwilling that his loyal and faithful ſubjects

The king ſends a proclamation of doubtful meaning. Ruſhworth, ii. p. 408. Nalſon, t. i. p. 16. Annals, p. 623.

[k] That is, excommunicating and out-lawing.

"ſhould

" ſhould be poſſeſſed with groundleſs and unneceſſary doubts Charles I.
" and fears, his majeſty is pleaſed out of his goodneſs to de- 1637.
" clare, that as he abhorreth all ſuperſtition of popery, ſo
" he will be moſt careful, that nothing be allowed within
" his majeſty's dominions, but that which ſhall tend to the ad-
" vancement of true religion, as it is at preſent profeſſed
" within his moſt antient kingdom of Scotland; and that no-
" thing is or was intended to be done therein, againſt the
" laudable laws of this his majeſty's native kingdom."

It muſt be obſerved, that according to the king, the true religion was that of the church of England. That by the religion at preſent profeſſed, he meant only that which contained the hierarchy and epiſcopacy; and by the laws of the kingdom, he underſtood thoſe that were enacted after the king his father's acceſſion to the crown of England, and of which I have ſpoken above. It is at leaſt certain the male-contents gave this ſenſe to his general expreſſions, from whence they inferred, he was very far from deſiſting from what he had undertaken, and ſtill farther from pardoning the late diſorders at Edinburgh. Wherefore, they reſolved to take meaſures, not only to ſecure themſelves from the king's reſentment, but alſo to cauſe all innovations complained of to be aboliſhed [1].

Some

[1] There were, on June 14, this year, extremely ſevere proceedings in the ſtar-chamber againſt ſome perſons, which ſerved very much to incenſe the whole nation againſt that mercileſs court. 1. William Prynn, for writing, in his confinement in the Tower, books called the Quench-Coal, News from Ipſwich, The unbiſhopping of Timothy and Titus. 2. John Baſtwick, M. D. (born at Writtle in Eſſex, brought up at Emanuel college, and Padua, and who profeſſed phyſic at Colcheſter) for a book called, Flagellum Pontificis & Epiſcoporum Latialium, and another againſt the high-commiſſion, entitled, his Litany. Henry Burton, B. D. rector of St. Matthew's in Friday-ſtreet, and formerly cloſet-keeper to the king, for a ſermon preached on November 5; in all which books were contained ſevere invectives againſt the biſhops. For this they were all three fined 5000l. a piece. Prynn condemned to loſe the reſt of his ears, and be ſtigmatized on both cheeks with the letters S, L, for a ſeditious libeller; and the other two to loſe only their ears; and all to be impriſoned for life, Prynn in Caernarvon, Baſtwick in Launceſton, and Burton in Lancaſter caſtle. From whence they were afterwards removed, Prynn to Montorgueil caſtle in Jerſey, Baſtwick to the Scilly iſlands, and Burton to Guernſey. The lord Clarendon obſerves, that all theſe three men were of the three profeſſions which had the moſt influence upon the people, though they had formerly been looked upon under characters of reproach, yet when they were expoſed on ſcaffolds, as common and ſignal rogues, to have their ears cut off, and faces branded with hot irons, men began no more to conſider their manners, but the men; and each profeſſion, with anger and indignation enough, thought their education, and degrees, and quality, would have ſecured them from ſuch infamous judgments, and treaſured up wrath for the time to come. Vol. i. p. 73.—But this was not all: for John Lilburn, for writing in Prynn's behalf, to whom he had been clerk,

Charles I. 1637. Some time after, the council having removed the ſeſſion to Stirling, the king ſent them another proclamation, with orders to have it publicly read in the principal towns of the kingdom. The proclamation was to this effect:

Another proclamation. Feb. 19. 1638. Ruſhworth. ii. p. 731. Annals, p. 623. Nalſon, t. 1. p. 16.

"WE find our royal authority much injured by ſome late petitions and declarations given in to our council againſt the book of Common-Prayer, and canons of the church, both in the matter and in the carriage thereof; whereby we conceive thoſe of our nobility, gentry, and others, who kept and aſſiſted theſe meetings, for contriving and forming the ſaid petitions, to deſerve and be liable to our high cenſure, both in their perſons and fortunes; yet becauſe we believe, that what they have done herein is out of a prepoſterous zeal, we are graciouſly pleaſed to diſpenſe therewith, and with what may be their fault or error therein, to all ſuch as, upon ſignification or declaration of our pleaſure, ſhall retire themſelves as becometh good and dutiful ſubjects: to which purpoſe our will and pleaſure is, that you diſcharge all ſuch convocations and meetings in time coming, under the pain of treaſon. And alſo that you command, charge, and inhibit all our lieges and ſubjects, that none of them preſume, nor take in hand, to reſort nor repair to our burgh of Stirling, nor to no other burgh where our council and ſeſſion ſits, till firſt they declare their cauſe of coming to our council, and procure their warrant to that effect. And as concerning any petitions that ſhall hereafter be given us, upon this or any other ſubject, we are likewiſe pleaſed to declare, we will not ſhut our ears therefrom, ſo that neither the form nor matter be prejudicial to our regal authority."

Remarks on this proclamation. This proclamation was not capable of ſatisfying the malecontents. Firſt, there was not a word concerning the ſubject of their petition, and by that they could perceive, the king had no deſign to ſuppreſs the liturgy and canons. Secondly, the king repreſented as a great condeſcenſion the pardon he

clerk, was condemned to be whipped from the Fleet-priſon to Weſtminſter-hall, and to ſtand in the pillory. He is ſaid to receive five hundred ſtripes with a treble cord.--Alſo Williams biſhop of Lincoln, upon a charge of diſloyal words againſt the king, and for ſuborning witneſſes, was fined 10,000l. committed to the Tower, and ſuſpended ab officio & beneficio. And Lambert Oſbaldeſton, maſter of Weſtminſter-ſchool, for ſome letters of his to that biſhop, which were ſuppoſed to reflect on archbiſhop Laud, was fined 5000l. to the king, and 5000l. for damages to the archbiſhop, and to ſtand in the pillory in Dean's-Yard, but he made his eſcape. Biſhop Williams was alſo fined 8000l. upon this account. State-Trials, vol. i. Fuller. Collier. Ruſhworth.

was pleaſed to grant for their fault in preſenting a petition without his leave. This ſhowed them, that, according to the king's intention, obedience was their only courſe for the future. Thirdly, the king clearly intimated to them, he would receive no more petitions, ſince he declared, he would reject ſuch as ſhould by the matter or form be prejudicial to his authority. Was not this ſaying, he would reject all? In ſhort, they ſaw plainly, the king, in forbidding all meetings, ſought only to diſunite and hinder them from concerting meaſures to obtain their deſires. I own, I do not ſee how the king could flatter himſelf that ſuch a proclamation would produce the effect he expected, and the rather, as there were not in Scotland forces ſufficient to ſupport his authority. The male-contents were not ſo ſtupid as to be ignorant of the king's deſign. So, on the morrow, the earls of Hume and Lindſey, accompanied with a great croud of nobles and people, came and publicly read in Stirling a proteſtation againſt the proclamation, the preſence and authority of the council not being capable of hindering it. The ſame proteſtation was publicly read at Lithgow and Edinburgh, immediately after the proclamation had been publiſhed there.

Charles I. 1638.

Proteſtation of the male-contents. Feb. 19. Whitelock, p. 27.

In this proteſtation the male-contents ſaid, "They had "preſented a ſupplication on the 23d of September, and another upon the 18th of October; as alſo a remonſtrance "December the 19th, againſt the ſervice-book, and the canons, as well as againſt the archbiſhops and the biſhops, "as their parties, having the ſame day preſented a declinator againſt them, to prevent their being judges in their "own cauſe. But the council having refuſed to admit of "this declinator, they found themſelves obliged to make the "following proteſtation.

Ruſhworth, ii. p. 732. Annals. Nalſon, t. i. p. 18.

"1. That they might have immediate recourſe to the "king, to preſent their grievances, and in a legal way to "proſecute the ſame before the ordinary competent judges.

"2. That the archbiſhops and biſhops could not be reputed or eſteemed lawful judges, till they had purged "themſelves of ſuch crimes as were laid to their charge.

"3. That no proclamation, nor any act of council, paſt "in preſence of the archbiſhops and biſhops, could any "ways be prejudicial to the ſupplicants.

"4. That neither they, nor any that had joined, or "ſhould join with them againſt innovations, ſhould incur "any danger in life, lands, or any political or eccleſiaſtical "pains, for not obſerving ſuch acts, books, canons, rites, ju-

"dicatures,

Charles I. 1638. "dicatures, proclamation, introduced without or against the "acts of general-assemblies, or acts of parliament, and the "statutes of the kingdom.

"5. That if any inconveniencies should fall out thereupon, "they could not be imputed to them, since the council re- "fused to hear their just remonstrances.

"6. That their requests tended to no other end, but to "the preservation of the true reformed religion, and the laws "and liberties of his majesty's kingdom."

The male-contents erect tables to manage their affairs.

Hitherto the king and the council of Scotland had flattered themselves that the male-contents might be curbed by acts of authority. But this protestation plainly showed, they were too powerful to be compelled to obedience, by orders of the council, or by proclamations. They were persuaded, the king sought only to surprize them, and intended not to desist from his undertaking. On the other hand, they had conceived an extreme aversion to the bishops, looking upon them as the authors of the evils, the church laboured under. The more they saw the king was against their assembling themselves to consult in common about their affairs, the more they perceived the necessity of their union, without which they would be infallibly oppressed one after another. So, before they could know the effect of their protestation upon the king, as they expected no good from the court, they erected at Edinburgh, which was at their devotion, several tables (as they called them) to manage their affairs. There were four principal ones: The first of the lords; the second of the gentry; the third of the burroughs; and the fourth of the ministers. And the gentry had many subordinate tables, according to their several shires. These tables consulted of what they thought fit to be proposed at the general table, consisting of commissioners chosen from the other four tables. Never was sovereign more punctually obeyed than this general table, by all who disapproved the innovations introduced into the church for thirty or forty years past, that is, by almost the whole kingdom.

Nalson, t. i. p. 20. Rushworth, t. ii. p. 734.

They subscribe the covenant. Rushworth, t. ii. p. 734. Nalson, t. i. p. 20. Annals, p. 626.

The first thing that proceeded from these tables was the famous covenant, or general band taken by the Scots, for maintenance of their religion from all innovations. For the better understanding what this covenant was, it must be observed, that in 1580, whilst the duke of Lenox and the earl of Arran, the king's favourites, were suspected of ill designs against the protestant religion, the general assembly thought it necessary to draw up a confession of faith, and caused it to

be ſubſcribed by all the ſubjects, and by the king himſelf, to whom they preſented a very humble petition on that occaſion. As James could not reject this petition, without confirming the people's ſuſpicions, which might have been of dangerous conſequence, he ſubſcribed the confeſſion of faith himſelf, and ordered it to be ſubſcribed by perſons of all ranks. This was done in the years 1580 and 1581, and the ſubſcriptions were renewed in 1590, with an additional clauſe, whereby the ſubſcribers engaged to maintain the true religion and the king's perſon. Charles I. 1638.

Explication of the covenant.

It was this confeſſion of faith of 1580 that was revived this preſent year 1638, by order of the general table, and offered to all ſorts of perſons to ſign. Hitherto, there was nothing that could give the king juſt cauſe of complaint, at leaſt, as to the matter, ſince it was the ſame confeſſion that the king his father and the whole kingdom had ſigned in 1580 and 1581. It is true, as to the form, he could juſtly complain, that his approbation had not been demanded. But the tables were not ſatisfied with the bare confeſſion of faith, they added alſo an obligation, whereby the ſubſcribers bound themſelves by oath, to maintain religion as it was in 1580, and to reject all the innovations introduced ſince into the church. This was directly contrary to the king's deſigns. Part of the oath, which, being annexed to the confeſſion of faith, was called the covenant, that is contract, agreement, or league among the ſubſcribers, was as follows:

Oath added to the covenant. Ruſhworth, t. i. p. 739.

"FInally, being convinced in our minds, and confeſſing with our mouths, that the preſent and ſucceeding generations in this land are bound to keep the foreſaid national oath and ſubſcription inviolable: We noblemen, barons, gentlemen, burgeſſes, miniſters, and commons under ſubſcribing, conſidering divers times before, and eſpecially at this time, the danger of the true reformed religion, of the king's honour, and of the public peace of the kingdom, by the manifold innovations and evils generally contained, and particularly mentioned in our late ſupplications, complaints, and proteſtations, do hereby profeſs, and before God, his angels, and the world, ſolemnly declare, that with our whole hearts we agree and reſolve all the days of our life conſtantly to adhere unto, and to defend the foreſaid true religion, and forbearing the practice of all novations already introduced in the matters of the worſhip of God, or approbation of the corruptions of the public government of the kirk, or civil places and power

of

Charles I. 1638. "of kirkmen, till they be tried and allowed in free aſſemblies; "and in parliaments, to labour by all means lawful to re- "cover the purity and liberty of the goſpel, as it was eſta- "bliſhed and profeſſed before the foreſaid novations: And "becauſe after due examination we plainly perceive, and un- "doubtedly believe; that the innovations and evils contained "in our ſupplications, complaints, and proteſtations, have "no warrant of the word of God, are contrary to the ar- "ticles of the aforeſaid confeſſions, to the intention and "meaning of the bleſſed reformers of religion in this land, "to the above-written acts of parliament, and do ſenſibly "tend to the re-eſtabliſhing of the popiſh religion and ty- "ranny, and to the ſubverſion and ruin of the true reformed "religion, and of our liberties, laws and eſtates; we alſo "declare, that the aforeſaid confeſſions are to be interpreted, "and ought to be underſtood of the foreſaid novations and "evils, no leſs than if every one of them had been expreſſed "in the foreſaid confeſſions; and that we are obliged to de- "teſt and abhor them, amongſt other particular heads of "papiſtry abjured therein: and therefore from the know- "ledge and conſcience of our duty to God, to our king and "country, without any worldly reſpect or inducement, ſo far "as human infirmity will ſuffer, wiſhing a further meaſure "of the grace of God for this effect, we promiſe and ſwear "by the great name of the Lord our God, to continue in "the profeſſion and obedience of the foreſaid religion; that "we ſhall defend the ſame, and reſiſt all theſe contrary "errors and corruptions, according to our vocation, and to "the utmoſt of that power that God hath put into our "hands all the days of our life. And in like manner, with "the ſame heart we declare before God and men, that we "have no intention or deſire to attempt any thing that may "turn to the diſhonour of God, or the diminution of the "king's greatneſs and authority; but on the contrary, we "promiſe and ſwear, that we ſhall to the utmoſt of our "power, with our means and lives, ſtand to the defence of "our dread ſovereign the king's majeſty, his perſon and au- "thority in the defence and preſervation of the foreſaid true "religion, liberties and laws of the kingdom; as alſo to the "mutual defence and aſſiſtance, every one of us of another, "in the ſame cauſe of maintaining the true religion, and his "majeſty's authority, with our beſt counſels, our bodies, "means, and whole power, againſt all ſorts of perſons what- "ſoever, &c."

This

This covenant, like an alarm-bell, brought all the Scots together that were diſſatisfied with the government, that is, almoſt the whole nation. It was ſubſcribed by the great men and the people, except the privy-counſellors, the judges, the biſhops, and ſuch miniſters as were dignitaries in the church. Theſe were, a little before, veſted with all the authority both in church and ſtate, the king verily believing, that to have thoſe for him, who were in the public places and offices, was ſufficient to awe the people. But when the breach was once made, by the publication of the covenant, the number, not the quality of adherents, was to be conſidered, and then the royaliſts were not above one in a thouſand; ſo that the king, council, judges, and biſhops, were on a ſudden without authority and power. To urge the laws was in vain; the covenant was the ſole law, the people would follow with reſpect to religion, as being bound by a ſolemn oath. Thus, the king's authority being no longer regarded, and his promiſes miſtruſted by the people, as tending, in their opinion, only to deceive them, it is not ſtrange, that the king's after-endeavours to extinguiſh the flame ſhould prove fruitleſs. I have dwelt the longer upon the riſe of the Scotch troubles, becauſe it ſeemed to me abſolutely neceſſary to the underſtanding of what paſſed afterwards in England. For the ſame reaſon, I am alſo obliged to ſpeak of the effects produced by the covenant in Scotland; but I ſhall endeavour to be as brief as poſſible. Charles I. 1638.

Though the ſtandard of rebellion was, as it were, erected in Scotland, and the king did not well ſee how he ſhould free himſelf from theſe difficulties, he could not yet deſiſt from his project. He ſtill hoped the gathering ſtorm might, by ſome artifice, be diſpelled. So prepoſſeſſed was he in favour of the royal authority, that, though he ſaw it little regarded, he imagined, his declarations and proclamations, worded, for the moſt part, in ambiguous terms, would be ſufficient to reduce the Scots to their duty. But he did not conſider, that before the breach, the people were in a manner obliged to ſhut their eyes, and ſeem not to ſee what they ſaw; but that, when the breach was once made, the male-contents were too wiſe to be taken in his ſnares, and too bold or inſolent to refrain from publiſhing the artifices that were intended to amuſe them. The king deceived himſelf alſo in another thing. As the Scots perpetually pleaded their laws, he thought to ſilence them, by alledging on his ſide, the laws enacted within forty years, not conſidering that theſe laws

The king's wrong meaſures with reſpect to Scotland.

were

Charles I. 1638. were the principal cauſe of their complaints, and what they deſired to be annulled. So, in producing theſe acts of parliament, whereby the innovations had been approved, he only confirmed their belief, that he deſigned to ſupport them, and conſequently it was neceſſary to uſe ſome violent means to make him deſiſt. The king had for him the laws in force, ſince they were never repealed; and the people believed, they might rightfully cauſe to be aboliſhed thoſe laws, impoſed on them by corruption, artifice, and violence, complaining that theſe new laws were enacted in violation of the old. Thus both ſides complained of the breach of the laws.

The male-contents reaſons. Annals, p. 660. Nalſon, t. i. p. 317, &c.

The male-contents ſaid, "James and Charles had eſtabliſhed epiſcopal government in the kirk, contrary to her conſent, who ought to have been conſulted in ſuch an affair, which concerned religion alone, and could be decided only by the general aſſembly. But inſtead of following the ſettled rules of the kirk, the biſhops were firſt introduced into the parliament, and then, by means of the biſhops, whatever was deſired, was enacted, though the king and parliament had no right to appoint new offices, and new juriſdictions in the kirk, without the conſent of the kirk herſelf, repreſented by the general aſſembly, and not by five or ſix biſhops, with as many lay-abbots, who were allowed a ſeat in parliament. To accompliſh this deſign, ſeveral other artifices were uſed, as bribing the Glaſgow aſſembly, aboliſhing general aſſemblies, erecting a high-commiſſion, inconſiſtent with the liberties of the kingdom. In a word, the king had exerciſed, and ſtill did exerciſe a power repugnant to the privileges of the ſubjects, in impoſing upon them a liturgy and canons, deteſted by almoſt the whole nation, without aſking the conſent of kirk or parliament. By this management, no leſs violent than artful, the government of the kirk was entirely altered, not only without the people's advice, but againſt their will, as plainly appeared by the great number of ſubſcribers to the covenant, and the few that refuſed to ſign it. They thought themſelves therefore authorized, by virtue of their privileges, to demand the reſtoration of religion in its purity, ſuch as it was in 1580, and the abolition of all innovations. If the king complained that this covenant was made without his participation and conſent, he ought to blame none but himſelf, ſince he had reduced them to this neceſſity, by refuſing to hearken to their moſt humble petitions. This covenant ſeemed contrary

" trary to law, only becauſe it was ſuppoſed, the people's Charles I.
" privileges were not invaded, though the contrary was evi- 1638.
" dent. Scotland was a monarchy, conſiſting of a happy
" mixture of the king's prerogatives and the people's privi-
" leges. This union was ſo abſolutely neceſſary, that it
" was not poſſible to ſeparate theſe two things, without
" deſtroying the conſtitution of the government. It was
" very true, if the people would enjoy their privileges, they
" were to pay all due obedience to the king: but it was no
" leſs true, that the king could require this obedience, only
" as he protected the people in their liberties. If they
" ſhould be ſo ſenſeleſs, as to pay a punctual obedience to
" laws advantageous to the crown, whilſt the king made no
" ſcruple to ſubvert the conſtitution, by aſſuming an abſo-
" lute power, they ſhould only ſupply him continually with
" arms, to reduce them to perfect ſlavery. In ſhort, the
" deſign of their covenant was not, as it was induſtriouſly
" intimated, to rob the king of his juſt rights, but to hinder
" him from ſtretching his prerogative beyond the limits of
" the law."

The king alledged on his ſide, " The Scots, under the The king's reaſons.
" falſe pretence that their privileges were violated, were run- Annals, p. 630, &c. Nalſon, t. i. p. 169, &c.
" ning into open rebellion, by refuſing to pay the king due
" obedience. In ſigning a league directly contrary to the
" rights of the crown, they uſurped a power which was ſo
" far from being legal, that it was even repugnant to the
" laws. Their complaints in general about the breach of
" their privileges were groundleſs, ſince there was but one
" article in queſtion concerning religion, that is, not the
" doctrine, but only the diſcipline of the church. Epiſco-
" pacy had been immemorially eſtabliſhed in the church of
" Scotland. It had indeed been under a ſort of eclipſe ſince
" the reformation, at a time when the regulation of the
" diſcipline was more conſidered, than the reformation of
" the doctrine. Preſbyterian government had been eſtabliſh-
" ed in the church of Scotland by the authority of general
" aſſemblies only, who were not ſovereigns, and whoſe de-
" crees were of no force, till approved and confirmed by
" parliament. From 1561 to 1592, the parliament never
" approved of it, and if the parliament, held that year, had
" their reaſons to confirm it, the following parliaments had
" a ſtronger to aboliſh it, and reſtore epiſcopal government.
" Herein nothing was done contrary to law or cuſtom, ſince
" no man could be ignorant that the parliament, which re-

Charles I. 1628.

"preſents the whole nation, has power to annul and repeal "all former acts. The male-contents could not queſtion "this maxim, without groſsly contradicting themſelves, ſince "their preſbyterian government could be founded only on "the act of parliament made in 1592, whereby were re-"pealed all the antient laws in favour of epiſcopacy. How "then was it poſſible to ſhew, that the parliament of 1592 "had power to abo iſh epiſcopacy, and that of 1612 no right "to aboliſh preſbyterian government? As to the general "aſſemblies, to which was aſcribed an abſolute power in "matters of religion, this power was either natural or ac-"quired. If natural, whence was it, that before the refor-"mation, ſuch aſſemblies, conſiſting of preſbyters only, with-"out biſhops, were never heard of? If it was an acquired "power, they muſt have received it from the nation, that "is, from the king and parliament. Conſequently they were "ſubject to the parliament, and their acts could not be valid "but as confirmed by the parliament. If they had received "the unlimited power aſcribed to them, where was the act "that granted it, and why was it not produced? Nay, "though ſuch an act ſhould be produced, that would not be "ſufficient, unleſs it was ſhewn withal to be irrepealable; "otherwiſe it would ſtill be evident, they depended upon the "parliament, and conſequently their acts had not the force "they pretended to give them, unleſs approved by the par-"liament, and the approbation unrepealed. Theſe general "aſſemblies were firſt inſtituted at the reformation, for the "direction of affairs, and the eaſe of the king and parlia-"ment, in the examination of what was to be changed or "altered with reſpect to religion. But it was too true, they "had uſurped by degrees an authority very prejudicial to the "crown, and improper for ſubjects. As to the liturgy, men-"tioned by the male-contents in ſo contemptuous a manner, "as if it was intended to be introduced on purpoſe to lead "the people gradually to popery, he had but one thing to "plead in its favour, namely, that it was compoſed by "biſhops, who ſuffered martyrdom for the proteſtant religion, "and therefore it was very impertinent to ſay, ſuch perſons "had a mind to reſtore popery, when they were manifeſtly "uſing their utmoſt endeavours to purge the public worſhip "of every thing tending that way. If the king his father "and himſelf had deſired to introduce the liturgy into the "church of Scotland, it was becauſe they believed it condu-"cive to the edification of the faithful, and to the baniſhing "of the indecency with which divine ſervice was performed

in

"in that church, where every minister made what prayers Charles I.
"he pleased, and often, without any premeditation, which 1638.
"was liable to great inconveniences. Herein he had nothing
"in view but the good and benefit of his subjects of Scot-
"land, and it was injuring him in the highest degree, to im-
"pute to him a design of introducing popery, which on the
"contrary he abhorred." As to the book of Canons, he defended himself, in the manner before-mentioned, and therefore it is needless to repeat it.

After seeing the reasons of both parties, it will not be difficult to conceive the motives of their conduct, without my being obliged hereafter to display them. I shall only add, that the male-contents having resolved to improve the weakness of the king's party, and the advantage given them by their covenant, to abolish the innovations complained of, did not use so much the most just and legal means, as those they believed most proper for their ends. On the other hand, the king constantly adhered to the acts of parliament, by which these pretended innovations were established, feigning not to see, in that respect, the least cause of complaint against himself or the king his father.

The king sends the Marquis of Hamilton into Scotland. May. Burnet's Mem. of Hamilton. p. 38, &c. Rushworth, ii. p. 745, &c. Annals.

Things being come to the point above-mentioned, by the almost universal subscription of the covenant, the king resolved to send the marquis of Hamilton into Scotland, to represent his person under the title of his high-commissioner. He imagined this Scotch lord being invested with so eminent a character, would by his credit and industry reduce the people to obedience, without giving them any real satisfaction, being still very unwilling to desist from his project. The tables having notice of this, doubted not but the king's aim was to amuse and surprize them, and therefore they used all possible means to divert the impending danger. I shall not descend to particulars, but content myself with saying, that the high commissioner was received by the male-contents with great coldness and little respect, and that they prepared, on the contrary, to withstand him vigorously, in case he offered to assert his authority.

Burnet's Mem. of Hamil. Annals, p. 63.

Mean while, the king having sent to Scotland a ship laden with arms[f] for Edinburgh castle, the tables resolved to seize them, fearing the king intended to surprize them, whilst he should amuse them with negotiations. This resolution could not be executed, because the king's party having notice of

[f] Two hundred muskets, and so many pikes, with a small quantity of powder, Annals, p. 63.

Charles I. 1638. it, instantly unladed the vessel, and carried the arms to Dalkeith, where the council then was. For this reason the tables set a guard near the gate of the castle, to prevent the arms from being carried in. At the same time, the male-contents received two ships freighted with arms for their service. The king could hardly digest this affront. But the male-contents did not think it prudent to be exposed to a surprize, on pretence that the rupture between the king and them was not yet entire.

The high-commissioner being come to Edinburgh, offered these three propositions to the consideration of the male-contents.

Rushworth, ii. p. 750. 1. What they should expect to hear in the king's name for accommodating their grievances?

2. What might be expected from them for returning to their former obedience?

3. That they should renounce and deliver up their late covenant.

To which they answered,

Id. p. 752, 753. Annals, p. 636. 1. That they insisted upon a general assembly, and a parliament.

2. That they could not return to his majesty's obedience, since they had never departed from it.

3. That they would sooner renounce their baptism than the covenant [g].

The marquis had brought with him a declaration, which however he was not to use but in case of necessity, because the king was unwilling to promise the least condescension to the Scots, unless forced to it. But the marquis soon perceived it was not possible to bring the male-contents to obedience, without amusing them at least with the hopes that the king would have some regard to their grievances. He therefore thought proper to publish the declaration, though it evidently appeared by the very expressions, that the king would not properly be obliged to any thing. What follows is the most material part of the declaration, and shows wherein consisted the king's condescension:

The king's declaration, Rushworth, ii. p. 755. Annals, p. 639. "And for the further clearing of scruples, we do hereby "assure all men, that we will neither now, nor hereafter, "press the practice of the service-book, or the foresaid ca-

[g] After this, they set new guards upon the castle of Edinburgh, doubled the watch; and hearing that the lord commissioner was to have the next Sunday, divine service in the king's palace at Holy-rude-house, they sent him word, that whosoever should read the English service in that chapel, should never read more, and that there were a thousand men ready to disturb it. Ibid. p. 636.

"nons,

"nons, nor any thing of that nature, but in ſuch "a fair Charles I.
"and legal way, as ſhall ſatisfy all our loving ſubjects", that 1638.
"we neither intend innovations in religion or laws; and to
"this effect have given order to diſcharge all acts of council
"thereanent. And for the high-commiſſion, we ſhall ſo
"rectify it, with the help and advice of our privy-council,
"that it ſhall never impugn the laws, nor be a juſt grievance
"to our loyal ſubjects; and what is further fitting to be agi-
"tated in general aſſemblies and parliament, for the good
"and peace of the kirk, and peaceable government of the
"ſame, in eſtabliſhing of the religion at preſent poſſeſſed,
"ſhall likewiſe be taken into our royal conſideration, in a
"free aſſembly and parliament, which ſhall be indicted and
"called with our beſt convenience."

Proteſtation againſt the declaration.

The king muſt have been ill-informed of the diſpoſition of the Scots, to imagine that a declaration with ſo many reſtrictions and ambiguous expreſſions ſhould be capable of contenting them. The declaration was no ſooner proclaimed at the market-croſs at Edinburgh, but the tables cauſed an anſwer in form of a proteſtation to be publicly read in the ſame place, the ſubſtance whereof was:

Ruſhworth, ii. p. 758. Annals, p. 641. Nalſon, t. i. p. 39.

1. That no proclamation or declaration could ſettle their fears, nor ſecure them from the re-entry of any evil or innovation.

2. That they poſitively inſiſted upon a general aſſembly and a parliament, which the king did not promiſe to call.

3. That the proclamation did not mention their complaints and grievances, but under the name of diſorders, faults, and miſdemeanours, &c.

4. That the king took it for granted he had abundantly and ſufficiently ſatisfied their fears, by his two former proclamations, and by his preſent declaration.

5. That this proclamation ſuppoſed them guilty of an unlawful combination or rebellion.

6. That it did not diſallow nor diſcharge any of the innovations complained of, but left liberty to any prelate or perſon to practiſe the ſame.

7. That it plainly evidenced his majeſty's intentions of preſſing the practice of thoſe innovations in a legal way, that is, according to thoſe laws which were the ſubject of their complaints.

8. That his majeſty did not promiſe to aboliſh, but only to rectify the high-commiſſion, with the advice of his privy-council, implying the king's power, with conſent of his

Charles I. council, to establish any judicatory within his kingdom, with-
1638. out consent of the three estates convened in parliament.

The high-commissioner being better informed of the affairs of Scotland, by what he had seen with his own eyes, thought it necessary to go himself and acquaint the king. He made therefore a journey to court, and returned shortly after, with a power to call a general assembly, and a parliament. But as for the assembly, he would know beforehand what persons it should be composed of, and what was to be debated. The tables rejected the limitation, as tending to render the assembly useless. They likewise told him, if the king refused to convene a general assembly, they believed they were sufficiently authorized to call one themselves.

The marquis returns to court. He uses sundry artifices to break the measures of the male-contents. Burnet's Mem. p. 61. Rushworth, ii. p. 672. Nalson, t. i. p. 45.

Probably, the king's high-commissioner had orders to grant a general assembly, if it could not be avoided; but however to use his utmost endeavours, either that the tables should desist from their demand, or at least, if he granted an assembly, to clog the favour with conditions that should prevent the king's designs receiving any prejudice. It was doubtless in obedience to this order, that he presented to the tables eleven articles, as so many conditions on which he was willing to call an assembly. As he had very likely good spies, he knew pretty well what the tables intended to do in order to reap great advantages by a general assembly, and these eleven conditions solely tended to render their measures ineffectual. The tables being composed of the most able persons in Scotland, easily discovered the high-commissioner's aim. They replied therefore to these eleven articles, so as to show him it would be very difficult to surprise them. Nevertheless he was not discouraged, and under colour of complying with the male-contents, reduced the eleven conditions to these two, which however contained the substance of the eleven, and tended to the same end.

He offers eleven propositions, which are rejected. Rushworth, ii. p. 672. Nalson, t. i. p. 45. Annals.

Ibid.

He reduces them to two.

Rushworth, ii. p. 762. Nalson, t. i. p. 48.

"1. That no laymen should have voices in chusing the "ministers to be sent from the several presbyteries to the "general assembly, nor any but the ministers of the same "presbytery.

"2. That the assembly should not go about to determine "things established by act of parliament, otherwise than by "remonstrance or petition to the parliament."

Explication of these two propositions.

To understand the end and motive of the first of these conditions, it must be observed, that it was very plainly perceived in Scotland, since the Glasgow assembly in 1610, how easily

[a] Ten, says Whitelock and Rushworth, p. 18, 762.

the

the king could ſecure a majority of votes among the miniſters, either by fears or hopes, or by preſent and real favours. For this reaſon the male-contents had reſolved not to let the miniſters have the ſole direction of the affairs of religion, and therefore had erected four tables, whereof that of the miniſters, which was but the third, could not determine of any thing without the concurrence of the other three, and the approbation of the general-table. Moreover, when the tables had demanded a general aſſembly, they had at the ſame time reſolved, that this aſſembly ſhould be compoſed not only of the miniſters, but alſo of lay-elders, who ſhould be perſons of authority, and whoſe number ſhould exceed that of the miniſters. In ſhort, they deſigned the miniſters who were to be ſent to the aſſembly, ſhould be elected not only by the miniſters themſelves of each preſbytery, but alſo by the lay-elders. The marquiſs of Hamilton, who had intelligence of their intention, laid therefore a double ſnare for them in the former of his two conditions. The firſt ſnare conſiſted in that, feigning to be ignorant of their deſign to ſend lay-elders to the general aſſembly, he ſuppoſed it was to be compoſed of miniſters only. The ſecond conſiſted in that he pretended, the nomination of theſe miniſters for the aſſembly ſhould be made by the miniſters alone without the participation of the lay-elders. He thereby endeavoured to break the meaſures, the tables had judged neceſſary to ſecure themſelves from the articles of the court. Charles I. 1638.

As to the ſecond condition, it was evident that by things already eſtabliſhed by acts of parliament, he underſtood all the innovations complained of, which had been introduced ſince the year 1606, and which for the moſt part were, as I ſaid, founded upon acts of parliament. So, by this ſecond condition, he broke ſtill more directly than by the firſt, the meaſures the tables might take, to cauſe theſe innovations to be examined and declared ſuch by the general aſſembly. Wherefore the tables rejected theſe two conditions, regarding them as ſo many ſnares to ſurprize them, ſince they could not accept them without being at the king's mercy. The affair was come to that point, that the tables were ſatisfied, the innovations complained of were really innovations, and of their right to require their abolition. The ſole queſtion was to deviſe the propereſt means to procure the ſatisfaction they demanded. On the other hand, the king did not in the leaſt doubt the validity of the acts of parliament, whereby theſe pretended innovations were eſtabliſhed. And perhaps he ſtill leſs queſtioned his power to introduce the liturgy and

The tables reject them.

State of affairs in Scotland.

Charles I. 1638. canons. But his concern was to find the propereſt means to maintain his own and the parliament's authority, and to diſpel the ſtorm that was gathering in Scotland.

The marquis returns to England. Auguſt 25. Ruſhworth, ii. p. 779, 780. Nalſon, i. i. p. 43.

2. The high-commiſſioner clearly perceiving, he had to deal with men who were upon their guard, and that it would be difficult to ſurprize them, reſolved to take a ſecond journey to England, to inform the king of the ſtate of affairs. By putting the male-content in hopes the king would grant ſuch a general aſſembly as they deſired, he obtained with great difficulty, that the election of commiſſioners ſhould be delayed till his return, which was fixed to the 21ſt of September. During his abſence, the tables expecting only new ſnares or freſh delays from the court [1], reſolved that a general aſſembly ſhould be held, either with the king's permiſſion, if he would grant it, or without his conſent, and that the election of commiſſioners ſhould be the 22d of September. In this interval, they ſent to all the preſbyteries directions in eight articles, not to chuſe any ſuſpected miniſter, and to elect every where lay-elders, who ſhould be perſons of authority, and more numerous than the miniſters. In a word, they took all poſſible meaſures to have an aſſembly at their devotion, wherein they perfectly ſucceeded, the king's party being every where ſo weak, that they were not in condition to oppoſe it ſucceſsfully.

Ibid.

New proclamation, Sept. 22. Ruſhworth, ii. p. 754. Nalſon, i. i. p. 52.

3. The high-commiſſioner being returned to Scotland with new inſtructions, immediately ordered a proclamation to be publiſhed, containing in ſubſtance theſe three principal articles:

"1. That his majeſty revoked the ſervice-book, the book "of canons, the high-commiſſion, and the five articles of "Perth.

"2. That for the future none of his ſubjects, whether eccleſiaſtical or civil, ſhould be liable to the trial and cenſure "of the parliament or general aſſembly.

"3. That perſons of all ranks ſhould be required to ſign "the confeſſion of faith of 1580, with the oath he had annexed, but very different from that of the covenant."

The high-commiſſioner convenes an aſſembly, and parliament.

After publiſhing this proclamation, the high-commiſſioner ſummoned a general aſſembly, to meet at Glaſgow the 21ſt of November this year 1638, and a parliament at Edinburgh the 15th of May the next year 1639.

[1] This, it ſeems, was the grand deſign "gain time by all the honeſt means of the court, as appears by one of their "you can, without forſaking your king's letters to the high-commiſſioner, "grounds." Burnet's Mem. of Hamil. "In a word, ſays his majeſty to him, p. 56.

It

It was not without reaſon that the male-contents expected ſome new ſnare from the king. Though the confeſſion of faith which the king ordered to be ſigned, was exactly the ſame with that prefixed to the covenant, the oath, or general-band, annexed by the king, imported, that they ſwore to maintain the religion at preſent profeſſed, which was utterly deſtroying the oath of the covenant, whereby the ſubſcribers were bound to reject all the innovations introduced ſince 1580. This ſnare was ſo palpable, and ſo very injurious to the king's affairs, that the council, to prevent its ill effects, were forced to publiſh a declaration, that the meaning of the oath was, that they ſwore to maintain the religion profeſſed in 1580. But notwithſtanding this, the tables cauſed a proteſtation againſt the proclamation to be publicly read, to ſhow, as they pretended, that the king acted not with ſincerity; that by certain ambiguous clauſes, reſtrictions, and additions, he took away with one hand what he gave with the other; and reſerved to himſelf a liberty to maintain at a more convenient ſeaſon, the innovations he ſeemed to depart from.

Charles I. 1638.

Difference between the king's covenant, and that of the male-contents. Ruſhworth, ii. p. 761, 762, 781. Id. p. 772. Nalſon, t. i. p. 56. Burnet's Mem. of Hamil.

During the interval between the publiſhing of the proclamation and the general aſſembly, the high-commiſſioner and council uſed all poſſible endeavours to make all ſorts of people ſign the confeſſion of faith as ſent by the king, and the tables on their part forgot nothing to oppoſe it. But there paſſed at this time a thing of great importance, which muſt not be omitted. Many lords, barons, gentlemen, miniſters, burgeſſes, who were not commiſſioners to the general aſſembly, preſented to the preſbytery of Edinburgh, an information againſt David Lindſey biſhop of Edinburgh, and at the ſame time againſt all the reſt of the biſhops. The ſubſtance of the information, which contained ſeveral articles, ſome whereof doubtleſs were much aggravated, was, that Lindſey and his brethren had not performed the conditions required of them by the Montroſs aſſembly. The deſign of this information was to prevail with the preſbytery to ſummons, as they did accordingly, the biſhops to appear before the aſſembly which was to be held at Glaſgow. For as the abolition of epiſcopacy was now reſolved, it was neceſſary that the general aſſembly ſhould have ſome ground or pretence to proſecute and try the biſhops. And for this the information was intended.

Endeavours to get the king's covenant ſigned. Ruſhworth, ii. p. 786. Information againſt the biſhops brought to the preſbytery of Edinburgh. Id. p. 787. Nalſon, t. i. p. 83, 93, &c. Burnet's Mem. of Hamil.

The intent of it.

The general aſſembly met at Glaſgow on the day appointed, conſiſting of ſuch members as the tables had deſired or rather

Charles I. 1638. then prescribed *. The king's party was so weak, that they durst not make any opposition, and the matters to be debated had been directed by the tables, who had sent their instructions to the commissioners. In a word, as in the assembly of 1610, and the following ones, king James had so managed as to have every thing transacted as he pleased, the tables had now taken the same precaution to cause whatever they did not approve to be annulled. Wherefore the marquis of Hamilton's grand aim, was visibly to raise contests and disputes which should afford him occasion to dissolve the assembly.

Account of what passed in the general assembly at Glasgow. Nalson, t. i. p. 95, &c. Rushworth, ii. p. 842, &c. Burnet's Mem. of Hamilt. Nalson, t. i. p. 98. Nov. 21, 22. Burnet's Mem. of Hamil. p. 99. Annals.

The first day was spent in reading the king's commission. The second day, a letter from the king containing nothing extraordinary was read †. Then the assembly proceeded to the choice of a moderator; but at the same time Dr. Hamilton presented from the bishop a declinator, that is, a protestation against the legality of the assembly, and the high-commissioner would have this declinator read first. But it was objected, there was no assembly without a moderator, and consequently it was necessary to begin with his election. The high-commissioner seeing he could not prevail, protested against the refusal to read the declinator before the choice of a moderator, and ordered his protestation to be entered. Before the moderator was chosen, the high-commissioner entered a second protestation, that this choice should prejudice neither the king's prerogative, nor any law of the kingdom, nor bar the king from taking legal exceptions, either against the person elected, or the election itself. After that, they unanimously chose Mr. Alexander Henderson, a minister, for moderator.

Rushworth, ii. p. 847.

Nov. 23. The third day, the high-commissioner urged, that the bishops declinator might be read. But he was told, the assembly was not formed till the commissions of elections were examined, and the commissioners that were present known to be duly authorized. This affair was of more importance than it seems at first sight. As the declinator contained reasons to show that the election of all the commissioners, or at least of the greatest part, was null, it was easy to perceive,

* It consisted of about two hundred and sixty commissioners. Some of these members could neither read nor write, and yet these were to judge of heresy, and condemn Arminius his tenets. Burnet's Mem. of Hamil. p. 98.

† And then the marquis of Hamilton made a speech, and after that, tendred to the assembly the king's commissions, which were much the same with those already mentioned above. See Rushworth, tom. ii. p. 844, 845.

that

that these reasons would come too late after the power of the commissioners should be allowed, and they admitted for members of the assembly. The high-commissioner not being able to obtain his desire, entered a third protestation on that head; and a fourth, the same day, against the choice of Mr. Archibald Johnston for clerk-register of the assembly [m], because he had been clerk of the general table at Edinburgh. Charles I. an. 1638. Rushworth, ii. p. 847.

The fourth day, the commissions of elections were examined. But the high-commissioner first entered a fifth protestation, to take exception against their elections in his own due time. Nov. 24.

The examination of the commissions not being ended the fourth day, was continued the fifth. It may be imagined, that the elections which were agreeable to the instructions of the tables, were generally approved, and that means were not wanting to weaken or entirely reject those which were otherwise. Nov. 25, 26.

The sixth day the 27th of November was read at last the bishops declina or wherein they pretended to prove by several reasons the illegality of the assembly. After the reading of the declinator, the high-commissioner caused to be read some other protestations, sent him from several places, against the lay-elders right of voting in the general assemblies and elections of the ministers by lay-men. Nalson, t. i. p. 99. Annals.

The seventh day, the 28th of November, it was moved in the assembly to debate, whether the bishops cause should be judged, notwithstanding their declinator. As after several speeches on this subject, the moderator was going to put the question, the high-commissioner rose up and said, since they pretended to assume a right to judge the bishops, he could not give his consent nor stay any longer with them. Then after a long speech, wherein he represented his majesty's gracious concessions in his last declaration, he dissolved the assembly in the name and by the authority of the king, alledging these four principal reasons. The high commissioner dissolves the assembly. Nalson, t. i. p. 115. Burnet. Mem. of Hamil. Annals.

1. Lay-elders were introduced into the assembly to vote there, which was not warranted by the laws, practice or custom of the church or kingdom; and which supposing there were such a law or custom, had been discontinued for above forty years. His reasons Rushworth, ii. p. 849, &c. Nalson, t. i. p. 117

2. The ministers chosen commissioners, were elected by lay-elders, contrary to custom and practice.

[m] Upon his election he made a short speech, declaring his unwillingness to accept the charge, yet would not be wanting to contribute his part toward the defence of the prerogative of the son of God. Rushworth, tom. ii. p. 847.

3. The

Charles I. 1638.

3. The few commiſſioners choſen contrary to the inſtructions of the tables, had been thrown out by mere cavils.

4. The cited biſhops were to be tried by perſons who had already declared againſt them.

Remark on this matter.

It may be obſerved concerning theſe reaſons, that the high-commiſſioner was not ignorant, before the meeting of the aſſembly, of the manner of electing the commiſſioners, or that the biſhops cauſe was to be brought before the general aſſembly. Conſequently theſe reaſons would have been as ſtrong to hinder the aſſembly from meeting as they were to diſſolve it the ſeventh day. But he was unwilling to give the male-contents the advantage of juſtly complaining, that he had amuſed them with the hopes of an aſſembly, which he intended not to hold. He expected to find in the proceedings of the aſſembly cauſes or pretences to diſſolve it, and his frequent proteſtations were ſo many expedients which he intended to uſe at a proper ſeaſon. But as, in all appearance, he had the king's poſitive order to diſſolve the aſſembly, in caſe they ſhould take upon them to try the biſhops, and as this was properly the firſt thing that was moved, it was not in his power to ſtay for other pretences. He was forced therefore to uſe the ſame reaſons for diſſolving, as might have ſerved to hinder the meeting of the aſſembly.

The aſſembly refuſe to break up, and continue their ſeſſion by their own authority. Nalſon, t. i. p. 120. Ruſhworth, ii. p. 865. Burnet's Mem. of Hamil.

The king found not in the aſſembly the obedience he expected, though with little reaſon, conſidering how the Scots ſtood affected. It was eaſy to foreſee, that the covenanters who had reſolved to hold an aſſembly, though the king ſhould not have given his conſent, were not diſpoſed to break up after a ſeven-days-ſeſſion without having finiſhed any affair. They had a mind to aboliſh epiſcopacy entirely, with all the innovations introduced into the kirk ſince the laſt forty years; and after all the ſteps they had taken, it was not likely they would ſuddenly relinquiſh their projects, and return to petitions and ſupplications which had hitherto proved fruitleſs. They ſaw moreover, that the king uſed all ſorts of means to prevent his conſenting to their deſires, or if he feigned to have any condeſcenſion for them, it was only to gain time, and that he reſerved to himſelf the power of maintaining the innovations at a more favourable opportunity. This was their belief at leaſt, and the ſudden diſſolution of an aſſembly ſo earneſtly deſired, confirmed them in it. Wherefore they were unwilling to neglect ſo fair an opportunity. They had the whole kingdom on their ſide, and knew that the great diſcontents which reigned in England, would not ſuffer the king to make any conſiderable efforts againſt Scotland. Upon theſe ac-

accounts it was that the assembly of Glasgow continued their session by their own authority, notwithstanding their dissolution in the king's name, and a proclamation published the next day [a], to which they were contented to answer, as usual, by protestation. Thus the king had the mortification to see his authority contemned, and the acts of parliament procured by his father to introduce the hierarchy into the kirk serve for foundation to a Scotish rebellion. Hence sovereigns should learn not to introduce any innovations but what are absolutely necessary. 'Tis certain, the reformation had been established in Scotland upon the presbyterian plan, in the same manner as in Switzerland, Geneva, France, Germany, the Low-countries: that this government subsisted there till James VI. became king of England: that this prince was possessed with the design of introducing episcopal government, and that Charles his son and successor was no less eager to pursue the same project. The question is not to know, whether episcopal government be good or bad in itself; but supposing it good and even excellent, the point is to know, whether the church of Scotland could not be without it, and whether Charles I. had sufficient reason to hazard the peace of that kingdom and his own, in order to support a design, the execution whereof was not absolutely necessary.

Charles I. 1638. Nalson, t. i. p. 121, 129. Rushworth, ii. p. 844, &c.

The general assembly having continued their session themselves, contrary to the king's order, lost no time to begin and finish what had been resolved in the Tables. Here follows a short list of some of their acts, which will show how much they endeavoured to abolish, as far as in them lay, all innovations.

Acts of the assembly after the dissolution.

" An Act bearing the Assemblies Protestation against the " dissolution thereof. Rushworth, ii. p. 73.

" An Act annulling the six Assemblies holden at Linlithgow 1606, and 1608, at Glasgow 1610, at Aberdeen " 1616, at St. Andrews 1617, at Perth 1618. Nalson, t. i. p. 132. Annals. p. 716.

" An Act declaring the nullity of the oath, exacted by " prelates, from such as are instituted to benefices.

" An Act condemning the Service Book.

" An Act condemning the book of Canons.

" An Act condemning the High Commission.

" Two acts containing the Deposition and Excommunication of fourteen Bishops.

" An Act clearing the meaning of the Confession of " Faith, made Anno 1580, as abjuring and removing Epis- " copacy.

[a] Which made their sitting any longer treason. Nalson, p. 123. " An

Charles I. 1637.

"An Act declaring the five Articles of Perth to have been "abjured, and to be removed.

"Act reſtoring Preſbyteries, provincial and general Aſ-"ſemblies to their conſtitution of Miniſters and Elders, "and their power and juriſdiction contained in the Book of "Policy.

"Act concerning the power of Preſbyteries, admiſſion of "Miniſters, and chuſing of their Moderators.

"Act againſt the prophanation of the Sabbath, for want "of afternoon's exerciſe.

"Act againſt thoſe who ſpeak or write againſt the Co-"venant, or the Aſſembly.

"Act condemning Chapters, Arch-deans, preaching Dea-"cons, and ſuch like popiſh traſh.

"Act condemning all civil offices in the perſons of Mini-"ſters ſeparate to the Goſpel, as to be Juſtices of Peace, ſit "in Seſſion or Council, to vote or ride in Parliament.

"Act appointing the Commiſſioners to attend the Parlia-"ment, and Articles, which they are to repreſent in the name "of the Kirk to the Eſtates.

"An Act diſcharging Printers to print any thing anent "the Acts of the proceedings of the Aſſembly, without a "warrant under the Secretary's hand.

"Act ordaining the Covenant to be ſubſcribed, with the "Aſſemblies declaration.

"Act diſcharging all ſubſcription to the Covenant, ſub-"ſcribed by his Majeſty's Commiſſioner, and the Lords of "the Council.

"Act renewing the privileges of yearly general Aſſem-"blies, and oftner (pro re nata) and appointing the third "Wedneſday in July 1639, in Edinburgh, for the next "general Aſſembly.

"Act that none be choſen Ruling-Elders to ſit in Preſ-"byteries provincial or general Aſſemblies, but thoſe who "ſubſcribe the Covenant."

Theſe acts ſhow, the king was not in the wrong when he ſaid, the general aſſemblies of Scotland had uſurped a kind of ſovereignty in religious affairs, ſince this aſſembly is ſeen boldly to annul, by their authority, things eſtabliſhed by acts of parliament. But, as I ſaid, in the diſpute between the king and his Scotch ſubjects, the queſtion was not to examine the right of the parties, but to uſe the moſt effectual means to attain their reſpective ends. This was the courſe taken by the general aſſembly of Glaſgow. As the parlia-ment was to meet the next May, and they knew they ſhould be

ſup-

supported, they were willing to give the parliament an occasion to abolish all the innovations complained of, upon the foundation of its being the general sentiment of the kirk. It must be farther remarked concerning this assembly, that before the sessions began, the tables had used their utmost endeavours to hinder the signing the confession of faith in 1580, with the obligatory clause annexed by the king. But as this did not prevent its being subscribed by many, the assembly of Glasgow thought proper to explain the confession, and decide, that it virtually contained the abolition of episcopacy, though the bishops were not mentioned. So by this explication, they who had signed the confession by the king's order, had subscribed to the abolition of episcopal government. The high commissioner hearing the assembly of Glasgow were upon this explication, made haste and published a quite different one, wherein he endeavoured to prove, that episcopacy subsisted in 1580, and consequently the signing of the confession of that year, could not be deemed an abjuration of episcopacy. A very long and particular answer was made to this explication. But without entering into a discussion of the facts alledged on both sides, I shall only observe, that what I said heretofore, concerning the ambiguity in the name of Bishops, must be chiefly applied to these two papers. The marquis proved very well, that the name, title, temporal rights of the bishops, were not abolished by the parliament, till the year 1580; but he very lamely proved, that till then the kirk of Scotland had been governed by bishops. The benefice had subsisted till that year, but the office was abolished, if not by act of parliament, at least by the custom and practice of the kirk. On the other hand, the authors of the answer evidently showed, that episcopacy, as to the office, was abolished by the general assemblies as far as lay in their power, and by the practice of the kirk: but they could not prove that the order of Bishops was abolished till the year 1592.

Charles I. 1638.

The assembly declares episcopacy to be abolished by the confession of 1580.

A contrary explication published by the high-commissioner. Nalson, t. i. p. 132, 143, &c.

Hitherto I have endeavoured to show the rise of the troubles of Scotland, to the end it may be the better conceived, how far the English ought to have been concerned in the war which broke out presently after between the king and his subjects of Scotland. There were two parties in England, the courtiers and rigid episcopalians, who being religiously attached to the hierarchy, verily believed the Scots were in the wrong to reject so obstinately this hierarchy established thirty years by acts of Parliament. These looked upon the Scots as rebels, and wished to see them punished as such.

1639.

Two parties in England.

Salmonet.

Charles I. 1639.

such. The other party consisted of puritans: under which name were included not only the church-puritans, but also the state-puritans, that is, all those that were dissatisfied with the government, and thought the king assumed a power which belonged not to him. This party, though without posts or employments and continually oppressed, was however much superior in number to the other, as plainly appeared afterwards. These, far from disapproving the conduct of the Scots, said, that the kings, James and Charles, having manifestly introduced innovations into the kirk, the Scots could not be justly blamed for desiring, things might be restored to their former state. When therefore, the history of these troubles is read, the authors are to be distinguished. Some represent the conduct of the Scots as a real rebellion, flowing from a settled design of breaking all the bands of subjection and obedience to the king, and of utterly destroying monarchical Government. Others, on the contrary, speak of the king's behaviour to the Scots as really tyrannical, and pretend he had no less design to render himself absolute in Scotland than in England.

The king resolves upon a war with Scotland. Burnet's Mem. of Hamil. p. 113. Clarendon. Warwick's Mem.

The king's party in Scotland was extremely weak, and consequently he had no other way left, than to use the forces of England to reduce the Scots to obedience. Accordingly, he took that course [o]. As soon as he heard that the general assembly of Glasgow continued their session by their own authority, and that the people approved of their conduct, he resolved to levy an army in England, to reduce the malecontents of Scotland to their duty. But as the English might naturally ask, by what reason were they bound to venture their lives in defence of the interests of the king in Scotland, he thought this objection should be obviated, by supposing the Scots to have already levied an army for the invasion of England. From thence he inferred, it was incumbent upon him to provide for the defence of the kingdom by raising sufficient forces to repel the attacks of his enemies. There was little probability that the Scots should think of invading England, if they were left unmolested, but it was necessary to excite the English with the dread of an imaginary danger.

He supposes it a defensive war.

[o] This was the course the marquis of Hamilton had from the beginning advised him to take; namely, to send his fleet quickly with two thousand land soldiers in it, and send down arms to the northern counties of England; to garrison Berwick with fifteen hundred men, and Carlisle with five hundred; and to come himself in person with a royal army. Burnet's Mem. of Hamil. p. 54, 82, 98.

The king thought not proper to call a parliament to enable him to raiſe the forces he wanted. Experience had taught him, that he was not to expect any great aſſiſtance from the parliament, unleſs he would alter his maxims, and redreſs the people's grievances, which he did not intend. On the contrary he flattered himſelf that he ſhould eaſily reduce the Scots, and then be ſtill more abſolute in England. He choſe therefore to ſuppoſe a defenſive war, and on that ſuppoſition ſummoned the nobility to attend him at York the 1ſt of April following, each with as many horſe as he could raiſe, and to inform the court within a fortnight of the number that could be brought. In this manner the kings of England formerly prepared to withſtand the invaſions with which they were threatened. But the antient manner and this differed very much in two reſpects. Firſt, there were certain crown-lands, the poſſeſſors whereof were obliged to find the king troops, according to the frontiers that were like to be invaded. Moſt of theſe lands lay in the northern counties, becauſe of the neighbourhood of Scotland, which was the only place from whence invaſions were to be feared by land. But the tenants of ſuch lands lying in Kent or Suſſex were not bound to furniſh troops for the defence of the northern borders againſt the Scots; or the tenants in the north, to defend the ſouthern frontiers when threatened by the French. Whereas Charles I. without making any diſtinction of counties, or putting any difference between thoſe that did, and thoſe that did not hold theſe crown-lands; directed his ſummons to all the nobles in general. Again, this method of raiſing of troops was antiently uſed, only when the kingdom was actually invaded, or in danger of being ſo, or at leaſt when there was a war proclaimed, and judged neceſſary for the defence of the kingdom. But Charles I. was contented to ſuppoſe only, though contrary to all appearance, that the Scots intended to invade England, and under colour of defending the kingdom; his real deſign was to attack the Scots on account of his own intereſts.

Charles I. 1639.

Summons to the lords to bring troops to York. April 9. Clarendon. t. i. p. 91, 93. Ruſhworth, iii. p. 910. Burnet's Mem. of Hamil. Remark on theſe ſummons.

But, as having troops was not ſufficient without money to ſubſiſt them, the king uſed two ways, beſides thoſe already in practice, as ſhip-money and others, to increaſe his revenues. The firſt was to demand voluntary contributions of the clergy by means of the archbiſhop of Canterbury. Laud writ for that purpoſe a circular letter to the biſhops and all the clergy, to exhort them to contribute liberally for the defence of the kingdom, which was in extreme danger of a Scotch invaſion. He added, by way of poſtſcript, that his

The king demands money of the clergy Ruſhworth. ii. p. 797, 819, &c. Annals, p. 758, 767.

Charles I. 1639. his majesty expected from the clergy a larger sum than what they were wont to give in the usual way. The second means used by the king was, to put the queen upon writing to the catholics, to incite them to aid the king on this urgent occasion. These two means brought in very near what the king expected.

The queen writes to the catholics on the same account. Rushworth. ii. p. 820.

Besides the horse to be brought by the nobility to York, all the counties were obliged to find such a number of foot, horse, dragoons, artillery-horses, and a certain quantity of ammunition. The whole amounted to nineteen thousand four hundred and eighty-three foot, twelve hundred and thirty-three horse [p], besides the troops of the nobility, and thirteen hundred and fifty horses for the carriages. Moreover, the king equipped a fleet of sixteen men of war, the command whereof was given the marquis of Hamilton, who was come back to his majesty.

The counties are obliged to find troops. Rushworth. ii. p. 826, &c. iii. p. 904, 926. Nalson, t. i. p. 207, 208. Burnet.

The king departed for York the 27th of March his coronation-day and on the 9th of April published a proclamation to revoke sundry monopolies, licences, and commissions, which he had granted by his letters-patents. But very likely, this was only to amuse the people, and the proclamation was not executed, since the next year he published another to revoke the same monopolies, which should have been abolished by this. On the 29th of May the king reviewed his army, which consisted of nineteen thousand six hundred and fourteen men, besides five thousand on board the fleet, his own guards, and the garrisons of Berwick and Carlisle.

The king comes to York. Proclamation to abolish monopolies. Rushworth. iii. p. 886, 915, 925. Nalson. t. i. p. 216.

Whilst the king was making his preparations, the Scots were not idle. They had also drawn forces together [q], but their hopes were not so much built on their army as on their friends in England, and even at court. Some have suspected the marquis of Hamilton, one of the king's favourite's, of not having at this juncture faithfully served his master. As it was the king's interest to exasperate the English against the Scots, and perswade them that these were in manifest rebellion; it was the Scots interest on the contrary to show, they had never any ill design against England, and if they took up arms, it was only in their own defence. They knew the success of the war depended upon the assistance England

The Scots prepare for their defence. They have friends at court. Rushworth, ii. p. 812. The king is made to commit sundry oversights. Annals.

[p] Upon the review taken afterwards by the king, the foot were found to be in all 19614. The horse 1800, and the dragoons 1450. Thomas Howard earl of Arundel was general, Robert Devereux earl of Essex, lieutenant-general, and Henry Rich earl of Holland, general of the horse. See Rushworth, tom. iii. p. 926. Nalson, tom. p. 207.

[q] And seized Edinburgh and Dunbarton castles; and applied to the king of France. Nalson, p. 197, 201. Warwick.

should

ſhould freely give the king, and not upon the aid he ſhould extort by force in virtue of his prerogative. And therefore their friends in England had adviſed them to mind two things eſpecially. Firſt. to clear themſelves as fully as poſſibly from the crime of rebellion, which the king laid to their charge themſelves as fully as poſſible from the crime of rebellion, which the king laid to their charge. Secondly, to avoid every thing that might excite the Engliſh to engage in the war, for fear of giving the king advantage of being able to ſay, they were undertaking an offenſive war. They punctually followed theſe two advices, the former, by diſperſing in England by means of their emiſſaries a great number of papers, wherein they ſet forth with all poſſible clearneſs the cauſes of their diſcontents and the king's intentions. They forgot not to inſinuate, that it concerned England no leſs than Scotland, to oppoſe the arbitrary power aſſumed by the king, as well in eccleſiaſtical as civil affairs. They followed the ſecond advice, by obeying with entire ſubmiſſion a proclamation publiſhed by the king in Scotland, to forbid the Scotch army to approach within ten miles of the borders of England. By this obedience they evidently ſhowed, the war was not offenſive on their ſide. It is not unlikely, that ſome of their friends had counſelled the king to publiſh that proclamation, on purpoſe to afford them an opportunity to give this proof of it.

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Nalſon, tom. i. p. 174, etc. Annals, p. 739, etc. Ruſhworth, tom. iii. p. 937, 965. Coke.

But this was not the only advantage the Scots reaped from the counſels given the king by their ſecret friends. He was perſuaded that their obedience to his proclamation was the effect of their fear, and was thereby induced to ſend another proclamation to Edinburgh, commanding the Scots to lay down their arms on pain of being declared guilty of treaſon; offering however pardon to all who ſhould comply with his orders and return to their duty. Nothing could be more prejudicial to him in Scotland than ſuch a proclamation, which ſhowed he required a ſpeedy obedience without any conditions; but the magiſtrates of Edinburgh would not ſuffer it to be publiſhed. The ſame notion, that the Scots were intimidated, cauſed him to commit another error in detaching the earl of Holland with three thouſand foot and a hundred horſe, into Scotland by way of Kelſey. Leſley, general of the Scots, being informed of the earl of Holland's march, ſent five or ſix thouſand foot and five hundred horſe againſt him, who made him halt on a ſudden. He ſent however a trumpet to command them to retire according to their promiſe: it was anſwered, he would do much better to withdraw himſelf;

Nalſon, tom. i. p. 225.

Id. p. 231. Ruſhworth, tom. iii. p. 935, 936, 937. Annals. Clarendon.

Charles I. 1639. self; and indeed he found it proper to take their advice. The earl of Holland's march, which came to nothing, freed the Scots from their promise of not approaching the borders, and on the morrow Lesley marched towards Kelsey with about twelve thousand men.

The king begins to mistrust his friends. Nalson, tom. i. p. 231. Vane's Letter, p. 231.

The king began then to perceive that the obedience of the Scots was not owing to their fear, and that hitherto he had followed wrong counsels; wherefore he took a sudden resolution to stand upon the defensive, and that very day writ to the marquis of Hamilton, who was in the Firth with the fleet, to order him not to begin hostilities, though he had been sent thither to take all possible advantages upon the Scots. But this resolution was taken a little late, after what he had just done, at least if he had no other design to make the public believe he had undertaken the war only in his own defence. But he had a stronger reason not to engage too far; for upon notice of the Scots approach, most of his generals had advised him not to give battle, though he was much superior in number of troops, which he could ascribe only to their unwillingness to venture their lives in his service.

Nalson, tom. i. p. 232. Burnet, p. 139.

The Scots sue for peace June 6. Nalson. Ibid. Clarendon. tom. i. p. 97. Rushworth, tom. iii. p. 978. Annals.

The two armies were so near one another, that a battle was expected every day, though in truth both sides were alike resolved to stand upon the defensive: but, when it was least expected, the lord Dumfermling a Scotchman came to the king's camp with a trumpet, and presented to his majesty, in the name of the Scots, a very humble petition, intreating him to appoint commissioners to negotiate a peace. The king answered, he had sent a proclamation to Edinburgh, whereby he offered his subjects of Scotland the free enjoyment of their religion and laws, with a pardon to such as should return to their duty: that this proclamation had been rejected with contempt; but he desired it might be published in the Scotch army, after which he would be graciously pleased to hear their petitions. The lord Dumfermling returning with this answer, the Scotch general ordered the proclamation to be publicly read in the army, which done, the king appointed five commissioners to treat with the Scots[a].

June 7.

Their demands. Rushworth, tom. iii. p. 940.

In the conference held the 11th of June, between the commissioners of both parties, the Scots desired three things, namely,

[a] The king's commissioners were the earl of Arundel lord general, the earl of Essex lieutenant-general, the earl of Holland general of the horse, the earls of Salisbury and Berkshire, and M. secretary Coke, and sir Henry Vane. The Scotch deputies were the earls of Rothes and Dumfermling, the lords Lowdon, sir William Douglas sheriff of Tividale, Mr. Alexander Henderson, and Archibald Johnston. Nalson, tom. i. p. 233, 234.

"1. That

" 1. That the acts at the late assembly at Glasgow should be ratified in the ensuing parliament. Charles I. 1639.

" 2. That all matters ecclesiastical might be determined by the assemblies of the kirk, and matters civil by parliament. Nalson, tom. i. p. 234.

" 3. That his majesty's ships and forces by land be recalled; that all persons, ships, and goods arrested be restored: and that all excommunicate persons, incendiaries, and informers against the kingdom, who had caused these commotions for their own private ends, might be returned, to suffer their deserved censure and punishment."

Upon this the king desiring the Scots to give in writing the reasons and grounds of their demands, the lord Lowdon, one of the Scottish deputies, said, their desires were only to enjoy their religion and liberties according to the ecclesiastical and civil laws of the kingdom, and that they would not insist upon any point that was not so warranted, humbly offering all civil and temporal obedience to his majesty, which could be required or expected of loyal subjects. The king replied, if this was all that was desired, the peace would soon be concluded: and indeed he granted immediately what the lord Lowdon demanded, in the very same words and on the same terms.

Then the Scottish deputies gave in writing the reasons and grounds of their three demands, and added, it was also desired that parliaments might be held at set times, once at least in two or three years, by reason of his majesty's absence, which hindered his subjects in their complaints and grievances to have immediate access to his majesty. They took occasion likewise to declare in this paper, that it had always been far from their thoughts to refuse due obedience to their native king, or to make an invasion upon England. They said, these were calumnies, the authors whereof they most humbly desired might be made a public example. Id. p. 236. Rushworth, tom. iii. p. 942. Annals.

It was the 15th of June before the king returned his answer, which must have embarrassed him. He had filled all England with complaints concerning the horrible rebellion of the Scots, and yet these same people whom he would have to be deemed rebels, desired only to enjoy their religion and liberties. On the other hand, he had levied a great army, and prepared a fleet on pretence to defend England against the invasion the Scots were meditating; but they solemnly declared they never intended any such thing. At last he gave his answer to this effect: Nalson, p. 237. Jun. 15.

Charles I. 1639.

" 1. That he could not ratify or approve the acts of the " general aſſembly at Glaſgow.

" 2. That notwithſtanding he was pleaſed to confirm and " make good whatſoever his commiſſioner had granted and " promiſed in his name.

The king's anſwer. Nalſon, tom. i. p. 238. Ruſhworth, tom. iii. p. 944. Annals. Burnet's Mem. of Hamilton, p. 141.

" 3. That according to the petitioners deſire, all matters " eccleſiaſtical ſhould be determined by the kirk, and matters " civil by the parliament.

" That a free general aſſembly ſhould be held at Edin- " burgh the 6th day of Auguſt, and a parliament at the ſame " place the 20th of Auguſt next enſuing.

" 5. That upon the Scots diſarming and diſbanding their " forces, diſſolving and diſcharging all their pretended tables " and conventions, and reſtoring to every one whatſoever " had been taken and detained from them ſince the late pre- " tended general aſſembly, his majeſty would preſently after " recal his fleet and retire his land forces, and cauſe reſti- " tution to be made to all perſons of their ſhips and goods, " detained and arreſted ſince the aforeſaid aſſembly.

Upon this anſwer the ſeven following articles were at laſt agreed on, wherein however there was no mention of the principal reaſons of the quarrel, becauſe theſe matters were to be examined by the general aſſembly and parliament of Scotland. So, though theſe articles were called articles of pacification, it could not but be a very doubtful peace, ſince there was nothing yet decided concerning the grounds of the war.

## Articles agreed upon.

Articles of peace. Nalſon, tom. i. p. 239. Ruſhworth, tom. iii. p. 945.

" 1. The forces of Scotland to be diſbanded and diſſolved, " within eight-and-forty hours after the publication of his " majeſty's being agreed upon.

" 2. His majeſty's caſtles, forts, ammunitions of all ſorts, " and royal honours to be delivered after the ſaid publica- " tion, ſo ſoon as his majeſty can ſend to receive them.

" 3. His majeſty's ſhips to depart preſently after the de- " livery of the caſtles, with the firſt fair wind, and in the " mean time no interruption of trade or fiſhing.

" 4. His majeſty is graciouſly pleaſed to cauſe to be reſtored " all perſons, goods, and ſhips, detained and arreſted ſince " the firſt day of November laſt paſt.

" 5. There ſhall be no meetings, treatings, conſultations, " or convocations of his majeſty's lieges, but ſuch as are war- " ranted by act of parliament.

" 6. All

" 6. All fortifications to deſiſt, and no farther working Charles I.
" therein, and they to be remitted to his majeſty's pleaſure. 1639.
" 7. To reſtore to every one of his majeſty's good ſub-
" jects their liberties, lands, houſes, goods, and means what-
" ſoever, taken or detained from them by whatſoever means
" ſince the aforeſaid time."

Purſuant to theſe articles the Scots diſbanded their troops, but in ſuch a manner, if we may believe the king's friends, that they could eaſily re-aſſemble them in caſe of neceſſity *. This ſeems to me very probable, ſince it is certain the readineſs ſhown by the two parties to conclude a peace, was an occaſion of miſtruſt to both †. June 18. Nalſon, tom. i. p. 240, 247. Whitelock, p. 31.

As the general aſſembly and parliament was to meet in Auguſt, the king appointed the earl of Traquair to repreſent his perſon in quality of high commiſſioner. This lord, who was treaſurer of Scotland, was entirely devoted to him; and it was with him that the Scotiſh biſhops and archbiſhop of Canterbury held, before the war, a ſtrict correſpondence, in order to accompliſh the king's deſigns. The king gave him the following inſtructions, ſigned with his own hand. The king nominates the earl of Traquair for his high commiſſioner.

Inſtructions given to the earl of Traquair, lord high commiſſioner for Scotland.

" AT the firſt meeting of the aſſembly, before it be brought
" in diſpute who ſhall preſide, you ſhall appoint him
" who was moderator in the laſt aſſembly, to preſide in this
" till a new moderator be choſen. Lord Traquair's inſtructions. Nalſon, tom. i. p. 245, etc. Ruſhworth, tom. iii. p. 940. Annals, p. 783.

" We allow that lay elders ſhall be admitted members of
" this aſſembly; but in caſe of the election of commiſſioners
" for preſbyteries, the lay-elders have had voice, you ſhall
" declare againſt the informality thereof; as alſo againſt lay-
" elders having voice in fundamental points of religion.

" At the firſt opening of the aſſembly, you ſhall ſtrive
" to make the aſſembly ſenſible of our goodneſs, that notwith-
" ſtanding all that is paſt, whereby we might have been juſt-
" ly moved not to hearken to their petitions, yet we have
" been graciouſly pleaſed to grant a free general aſſembly;
" and for great and weighty conſiderations, have command-

* The king juſtly performed the articles on his part; but the Scots kept part of their forces in body, and all their officers in pay. Whitlock, p. 31.

† During his ſtay in Scotland, the king gained James earl of Montroſe to his ſide, and much lenified the earls of Lowdon and Lothian. Nalſon, tom. i. p. 244.

Charles I. 1639. "ed the archbiſhops and biſhops not to appear at this aſ-
"ſembly.

"You ſhall not make uſe of the aſſeſſors in public, except "you find you ſhall be able to carry their having vote in "the aſſembly.

"You ſhall labour to your utmoſt, that there be no que-"ſtions made about the laſt aſſembly; and in caſe it come "to the worſt, whatever ſhall be done in ratification, or "with relation to the former aſſembly, our will is, that you "declare the ſame to be done as an act of this aſſembly, "and that you conſent thereto only upon theſe terms, and "no ways as having any relation to the former aſſembly.

"You ſhall by all means ſhun the diſpute about our power "in aſſemblies; and if it ſhall be urged or offered to be diſ-"puted, whether we have the negative voice, or the ſole "power of indicting, and conſequently of diſſolving, except "you ſee clearly that you can carry the ſame in our favour, "ſtop the diſpute; and rather than it be decided againſt us, "ſtop the courſe of the aſſembly until we be advertiſed.

"For the better facilitating of our other ſervices, and the "more peaceable and plauſible progreſs in all buſineſſes re-"commended to you, we allow you at any time you ſhall "find moſt convenient, after the opening of the aſſembly, "to declare, that notwithſtanding our own inclination, or "any other conſiderations, we are contented, for our people's "full ſatisfaction, to remit epiſcopacy and the eſtate of bi-"ſhops to the freedom of the aſſembly; but ſo, as no reſpect "be had to the determination of the point in the laſt aſ-"ſembly.

"But in giving way to the aboliſhing of epiſcopacy, be "careful that it be done without the appearing of any war-"rant from the biſhops; and if any offer to appear for them, "you are to enquire for their warrant, and carry the diſ-"pute ſo, as the concluſion ſeem not to be made in preju-"dice of epiſcopacy as unlawful, but only in ſatisfaction to "the people for ſettling the preſent diſorders, and ſuch other "reaſons of ſtate: but herein you muſt be careful that our "intentions appear not to any.

"You ſhall labour that miniſters depoſed by the laſt aſſem-"bly, or commiſſions flowing from them, for no other "cauſe but the ſubſcribing the petition or declinator againſt "the laſt aſſembly, be upon their ſubmiſſion to the determina-"tion of this aſſembly, reponed in their own places; and ſuch "other miniſters as are depoſed for no other faults, that they "be tried of new; and if that cannot be, ſtrive that com-"miſſions may be directed from this aſſembly, for trying

"and

" and cenſuring them, according to the nature of their pro- Charles I.
" ceſs. 1639.

" That immediately upon the concluſion of this aſſembly,
" you indict another at ſome convenient time, as near the
" expiring of the year as you can, and if you find that Aber-
" deen be not a place agreeable, let Glaſgow be the place;
" and if that cannot give content, let it be elſewhere.

" The general aſſembly is not to meddle with any thing
" that is civil, or which formerly hath been eſtabliſhed by
" act of parliament, but upon his majeſty's ſpecial com-
" mand or warrant.

" We will not allow any commiſſioner from the aſſembly,
" nor no ſuch act as may give ground for the continuing of
" the tables or conventicles.

" In caſe epiſcopacy be aboliſhed at this aſſembly, you are
" to labour that we may have the power of chuſing of ſo
" many miniſters as may repreſent the fourteen biſhops in
" parliament: or if that cannot be, that fourteen others
" whom we ſhall preſent be agreed to, with a power to
" chuſe the lords of the articles for the nobility for this time,
" until the buſineſs be further conſidered upon.

" We allow that epiſcopacy be aboliſhed, for the reaſons
" contained in the articles; and the Covenant 1580, for ſa-
" tisfaction of our people, be ſubſcribed; provided it be ſo
" conceived, that thereby our ſubjects be not forced to ab-
" jure epiſcopacy as a point of popery, or contrary to God's
" law, or the proteſtant religion; but if they require it to
" be abjured as contrary to the conſtitution of the church of
" Scotland, you are to give way to it rather than to make
" a breach.

" After all aſſembly buſineſs is ended, and immediately be-
" fore prayers, you ſhall in the faireſt way that you can,
" proteſt, that in reſpect of his majeſty's reſolution of not
" coming in perſon, and that his inſtructions to you were up-
" on ſhort advertiſement, whereupon many things may have
" occurred, wherein you have not had his majeſty's pleaſure;
" and for ſuch other reaſons as occaſion may furniſh, you are
" to proteſt, that in caſe any thing hath eſcaped you, or
" hath been condeſcended upon in this preſent aſſembly, pre-
" judicial to his majeſty's ſervice, that his majeſty may be
" heard for redreſs thereof in his own time and place [n].

" At Berwick the 27th of July, 1639."

[n] Hence it is plain the king had a mind to reſerve a means to diſavow his commiſſioner, Rapin.

Further

Charles I. 1639.

Further inſtructions to the earl of Traquair.

" Right truſty,

Ruſhworth, tom. iii. p. 953. Annals. p. 784. Nalſon, tom. i. p. 254.

" WE have hitherto commanded Hamilton to anſwer ſeveral of your letters, but that of the 16th of Auguſt being of more weight than any of your former, we have thought fit to anſwer it ourſelf.

" And whereas you ſay, that nothing will ſatisfy them, except in terminis, the laſt aſſembly be named and ratified, or that way be given to the diſcharging of epiſcopacy, as abjured in that church, as contrary to the confeſſion of faith 1580, and the conſtitutions of the ſame, you being yet in ſome hope that the word Abjured may be got changed, and that in drawing up the words of the act, it be only condemned as contrary to the conſtitution of the church: we in this point leave you to your inſtructions, they being full, if you conſider what we have ſaid concerning epiſcopacy, and ſubſcribing the confeſſion of faith 1580, we thinking it fit to declare hereupon unto you, that let their madneſs be what it will, further than we have declared in our inſtructions, in theſe points, we will not go.

" For the Service Book, and Book of Canons, though we have been and are content they be diſcharged, yet we will never give our voice nor aſſent that they be condemned as containing divers heads of popery and ſuperſtition; in like manner, though we have been and are content that the high commiſſion be diſcharged, yet we will never acknowledge that it is without law, or deſtructive to the civil and eccleſiaſtical judicatories of that our kingdom: nor that the five articles of Perth, though diſcharged with our approbation, be condemned as contrary to the aforeſaid confeſſion. As concerning the late aſſemblies, we cannot give our conſent to have them declared null, ſince they were ſo notoriouſly our father (of happy memory) his acts; it ſeeming ſtrange that we having condeſcended to the taking away of theſe things that they complained of, which were done in thoſe aſſemblies, they will not be content therewith, without laying an aſperſion on our father's actions. Wherefore if the aſſembly will, in deſpite of your endeavour, conclude contrary to this, you are to proteſt againſt their proceedings in theſe points, and be ſure not to ratify them in parliament.

" Concerning

" Concerning the yearly indiction of general aſſemblies, Charles I.
" and the confeſſion of faith, we commanded Hamilton, in 1639.
" his of the 16th, to anſwer that point to this effect, that we
" think it infinitely to our prejudice, that we ſhould conſent
" to tie ourſelf for the keeping yearly of their aſſemblies,
" not needing to repeat the reaſons, they being well enough
" known to you; ſeeing at Berwick it was conceived upon
" debate of that point, that your having power to indict a
" new one within the year, would ſave that diſpute, which
" you are by all means to eſchew. But if this will not
" give ſatisfaction, you are by no means to give your
" aſſent to any ſuch act, nor to ratify the ſame in parlia-
" ment.

" The article in your inſtructions, which is only that the
" covenant 1580, ſhall be ſubſcribed, you muſt have an
" eſpecial care of, and how you proceed therein; that the
" bond be the ſame which was in our father's time, muta-
" tis mutandis; and that you give your aſſent no other ways
" to the interpretations threof, " that may ſtand with our
" future intentions well known to you;" nor is the ſame
" otherwiſe to be ratified in parliament.

" Thus you have our pleaſure fully ſignified in every par-
" ticular of your letter; which you will find no ways con-
" trary to our reſolution taken at Berwick, and our in-
" ſtructions given to you there. But if the madneſs of our
" ſubjects be ſuch, that they will not reſt ſatisfied with what
" we have given you power and authority to condeſcend to,
" which notwithſtanding all their inſolencies, we ſhall allow
" you to make good to them, we take God to witneſs,
" that what miſery ſoever ſhall fall to that country hereafter,
" it is no fault of ours, but their own procurement. And
" hereupon we do command you, that if you cannot com-
" poſe this buſineſs according to our inſtructions, and what
" we have now written, that you prorogue the parliament
" till the next ſpring; and that you think upon ſome courſe
" how you may make publicly known to all our ſubjects,
" what we had given you power to condeſcend to. And
" becauſe it is not improbable, that this way may produce
" a preſent rupture, you are to warn and aſſiſt Ruthven for
" the defence of the caſtle of Edinburgh; and to take in
" general the like care of all our houſes and forts in that
" kingdom; and likewiſe to advertiſe all ſuch who are af-
" fected to our ſervice, that timouſly they may ſecure them-
" ſelves; and ſo we bid you heartily farewell."

It

Charles I. 1639. It is plain from these instructions, that the king had some private intentions, but which were known to the earl of Traquair. The following letter may help to discover part of these intentions, at least with respect to the bishops.

His majesty's letter to the archbishop of St. Andrews.

"Right trusty, and well-beloved counsellor, and reverend "father in God, we greet you well.

Rushworth, iii. p. 951. Nalson, t. i. p. 248, Annals. p. 785.

"YOUR letter, and the rest of the bishops (sent by the "elect of Cathness) to my lord of Canterbury, hath "been by him communicated to us: And after serious con- "sideration of the contents thereof, we have thought fit our "self to return this answer to you for direction according to "our promise, which you are to communicate to the rest "of your brethren.

"We do in part approve of what you have advised, con- "cerning the prorogating of the assembly and parliament, "and must acknowlege it to be grounded upon reason enough, "were reason only to be thought on in this business; but "considering the present state of our affairs, and what we "have promised in the articles of pacification, we may not "(as we conceive) without great prejudice to our self and "service, condescend thereunto; wherefore we are resolved "(rather necessitated) to hold the assembly and parliament at "the time and place appointed; and for that end we have "nominated the earl of Traquair our commissioner, to "whom we have given instructions, not only how to carry "himself at the same, but a charge also to have a special "care of your lordships, and those of the inferior clergy, "who have suffered for their duty to God, and obedience to "our commands. And we do hereby assure you, that it "shall be still one of our chiefest studies, how to rectify and "establish the government of that church aright, and to "repair your losses, which we desire you to be most con- "fident of.

"As for your meeting to treat of the affairs of the church, "we do not see at this time how that can be done; for "within our kingdom of Scotland we cannot promise you "any place of safety; and in any other of our dominions "we cannot hold it convenient, all things considered; "wherefore we conceive, that the best way would be for "your lordships to give in, by way of protestation or re- "monstrance, your exceptions against this assembly and par- "liament

" liament to our commiſſioner, which may be ſent by any Charles I.
" mean man, ſo he be truſty, and deliver it at his entring 1639.
" into the church; but we would not have it to be either
" read or argued in this meeting, where nothing but parti-
" ality is to be expected, but to be repreſented to us by him;
" which we promiſe to take ſo into conſideration, as be-
" cometh a prince ſenſible of his own intereſt and honour,
" joined with the equity of your deſires; and you may reſt
" ſecure, that though perhaps we may give way for the pre-
" ſent, to that which will be prejudicial both to the church
" and our own government, yet we ſhall not leave thinking
" in time how to remedy both.

" We muſt likewiſe intimate unto you, that we are ſo far
" from conceiving it expedient for you, or any of my lords
" of the clergy to be preſent at this meeting, as we do abſo-
" lutely diſcharge your going thither; and for your abſence,
" this ſhall be to you, and every of you, a ſufficient war-
" rant: In the interim, your beſt courſe will be to remain
" in our kingdom of England, till ſuch time as you receive
" our farther order, where we ſhall provide for your ſub-
" ſiſtence; though not in a meaſure as we could wiſh, yet
" in ſuch a way as you ſhall not be in want.

" Thus you have our pleaſure briefly ſignified unto you,
" which we doubt not but you will take in good part: You
" cannot but know, that what we do in this, we are ne-
" ceſſitated to; ſo we bid you farewell."

Whitehall, Aug. 6. 1639. C. R.

The late peace very uncertain.

I have already obſerved, that the late peace between the king and his ſubjects of Scotland, did not properly conſiſt in the ſeven articles of pacification, ſince there was no mention there of the true ground of the quarrel, but only of what paſſed after the breach. Indeed both parties agreed to lay down their arms; but the peace could not be ſaid to be concluded, ſo long as the motives of rupture ſtill ſubſiſted. If the demands of the Scots, and the king's anſwer be conſidered, ſuch ambiguity on both ſides will appear, that the peace muſt have been deemed very doubtful. The Scots reduced their demands to this, " That they might enjoy their " religion and liberties, according to the eccleſiaſtical and " civil laws of the kingdom, offering in return all obedience " to his majeſty, which could be required or expected of " loyal ſubjects." The king granted this their deſire in the ſame

Clarendon, t. i. p. 98, 99. Ruſhworth, iii. p. 1019.

Charles I. 1639. same words, and on the same conditions. But there was a palpable ambiguity as well in the demand, as in the answer. The Scots understood by the laws of the kingdom, those that were in force before king James's accession to England, and all the innovations by them complained of; but the king meant such as were enacted since that time. The condition was no less equivocal, for the obedience promised by the Scots, related to the observance of the antient laws, but that expected by the king, was founded upon the late laws. Both parties must have perceived the equivocation in what was to be the foundation of the peace, since neither of the parties could be ignorant of the occasion of the breach. But however, both sides feigned not to perceive it, in order to be freed from their embarassment in taking up arms. The Scots had flattered themselves, that considering the discontents which reigned in England, the king would not be able to raise an army to reduce them to obedience. But contrary to their expectation, they saw him near their borders, at the head of twenty thousand men, whilst they had not above twelve thousand, without reckoning his fleet, which interrupted their trade. It was therefore their interest to endeavour by all means to avoid a decision of the quarrel by arms. The loss of a battle would have certainly reduced them to slavery. Besides, their friends in England dissuaded them from running any hazard, and made them hope, they should, very shortly, put it out of the king's power to hurt them. For these reasons, they were contented with the general demand of their religion and liberties, in order to gain time, knowing, that when matters came to be discussed, they should find means to include all their pretensions in this general demand. The king, on his side, was no less embarassed. Tho' he had an army superior in number of troops, he was apprehensive of treacheries, or at least, that his English subjects would not chearfully venture their lives for his sake: so that the loss of a battle would not only have occasioned the loss of Scotland, but even put his affairs in England in a very ill situation. Therefore, though he could not possibly be ignorant of what the Scots meant by their religion and laws, finding they did not explain themselves more clearly, he took them at their word, in a belief, that at a more convenient season, it would be in his power to give these terms the sense that to him seemed most natural. It may therefore be affirmed, that this peace, which yet decided nothing, was concluded upon very uncertain foundations, and that both parties, when they laid down, were in much the same state

as

as when they took up their arms. But it was eaſy to foreſee, a time would come, when it would be neceſſary to explain what hitherto remained in obſcurity. Charles I. 1639.

The biſhops failed not, according to the king's advice, to preſent a declinator or proteſtation to the high commiſſioner [w], who receiving it publicly as he was going into the church, was contented with ſending it to the king, without communicating it to the aſſembly [x]. The king was deſirous to have ſuch a paper in his hands, that he might uſe it upon occaſion, or at a more proper time. The biſhops declinator. Aug. 10, 11. Nalſon, t. i. p. 249. Ruſhworth, iii. p. 952.

In this general aſſembly held at Edinburgh by the king's order, the high-commiſſioner had ſufficient intereſt to hinder any mention of the former aſſembly at Glaſgow. Nevertheleſs, there paſſed ſeveral acts very diſagreeable to the king, to which however the high-commiſſioner gave his conſent. Acts of the general aſſembly. Auguſt. Nalſon, t. i. p. 252.

The firſt contained the cauſes of the evils that had lately happened in the kirk of Scotland. These cauſes, being ſix in number, were in ſubſtance: "1. The preſſing of the "ſervice-book, the books of canons and of conſecration and "ordination, and the high-commiſſion. 2. The five articles "of Perth. 3. The changing the government of the kirk "into epiſcopal government. 4. The civil places conferred "on kirkmen. 5. The keeping and authorizing the aſſemblies in 1606, 1608, 1610, 1616, 1617, 1618. 6. The "want of lawful and free general aſſemblies." It was therefore ordained by this act, that all theſe things ſhould be aboliſhed, and the kirk reſtored to its former ſtate. To this act the high-commiſſioner conſented verbally, and promiſed to have it ratified in the enſuing parliament. Another act alſo paſſed for the better keeping the lord's-day. Ruſhworth, iii. p. 958.

After which followed a ſupplication of the general aſſembly to the commiſſioner, deſiring that a book called, The large Declaration; and written by Dr. Balcanquel, dean of Durham, a Scotchman, againſt his countrymen, might be called in. To this the commiſſioner gave no other anſwer, but that he would "impart the ſame to his majeſty." id. p. 960. Nalſon, t. i. p. 253.

Then was preſented to the high commiſſioner another ſupplication from the aſſembly, and the lords of the privy-council; wherein they petitioned, that it might be enjoined by act of council, that the confeſſion and covenant ſhould be ſub- Ruſhworth, iii. p. 961, 962. Annals.

[w] The earl of Traquair. The king is always preſent in the general aſſembly, by himſelf or commiſſioner.

[x] The king in his letter to archbiſhop Spotiſwood, ordered him to give in a proteſtation againſt the aſſembly, but that it ſhould not be read or argued in the meeting, where, as he ſays, nothing but partiality was to be expected. Ruſhworth, tom. iii. p. 952.

ſcribed

Charles I. 1639. scribed by all his majesty's subjects in Scotland, of what rank soever. The high-commissioner answered, by advice of the council, That he thought himself bound in conscience to approve of the covenant, and as earl of Traquair, would subscribe it as heartily as any subject in the kingdom; but as the king's commissioner he could not do it, unless a clause was added, that this covenant was the same with that subscribed by king James VI. in the years 1580, 1581, and 1590. Whereupon the assembly made a new act, enjoining all the members of the kirk to sign the covenant, with this clause prefixed to the names of the subscribers:

Rushworth, iii. p. 964. "We subscribe this covenant according to the explanation it hath received from the general assembly, that is, as declaring the five articles of Perth, the government of the kirk by bishops, and the bestowing of civil places on kirkmen, to be unlawful within this kirk."

Rushworth. Ibid. Annals. After that, the assembly resolved to present a petition to the king, to pray him to cause the acts to be ratified by the parliament. That done, they appointed the last Tuesday in July 1640, for holding another general assembly at Aberdeen, without consulting the high commissioner.

Remark upon these acts. Nalson, t. i. p. 255. The acts passed in this assembly plainly show what the Scots meant by their religion, namely, that professed in 1580. The assembly had also determined, contrary to the king's pretensions, that episcopacy was abolished [y] by the confession of faith in the year 1580, though the bishops were not so much as mentioned. Whereas, the king pretended, the religion of the kingdom was that which was actually professed since the year 1606, and since established by several acts of parliament, and general assemblies. On the contrary, the assembly of Edinburgh declared, that the assemblies held from 1606 to

Rushworth, iii. p. 955. 1618, were void, and thereby annulled the acts of parliament by which they were confirmed and ratified. As to the covenant, the same assembly, in pretending to admit of the clause annexed by the earl of Traquair, had rendered it of no effect, by an additional explanation. The earl was much blamed for not stoutly opposing this interpretation; nay,

Annals, p. 790. when he came to give the king an account of his commission, a Scotch bishop [z] accused him of treason, and offered to suffer as a traitor, if he did not make good his accusation.

[y] They not only abolished it, but also determined, that it was unlawful in the church of Scotland. Rushworth, tom. iii. p. 955.

[z] It was the archbishop of St. Andrews, and the bishops of Ross, and Brechen. Annals, p. 790.

By

By what had paſſed in the aſſembly, the king ſaw plainly what he was to expect from the parliament, which met preſently after the ſeparation of the aſſembly. Before the ratification of the acts of the aſſembly was propoſed, they preſented to the high-commiſſioner ſome acts, which ſhowed they were no leſs bent to maintain the privileges of the people, and guard againſt the artifices by which the court had for forty years cauſed the parliament to paſs what they pleaſed. I have mentioned elſewhere the manner of chuſing the lords of the articles in the parliament of Scotland, but it is neceſſary to explain it a little more fully, for the better underſtanding how advantagious to the king this method was grown. Ever ſince the reign of David Bruce, that is, for about three hundred years, it had been cuſtomary in Scotland, that when the parliament met, there were elected a certain number of noblemen, biſhops, barons, and burgeſſes, who were called lords of the articles. The buſineſs of this ſelect committee was to examine and prepare the bills which were to be moved in parliament; and as they had power to reject ſuch as they did not judge neceſſary or convenient, it ſeldom happened, that thoſe they admitted were ever thrown out. The manner of election, ſettled at a time when the inconveniences could not be foreſeen, was thus: The body of the nobility nominated eight biſhops, theſe biſhops named eight lords, the ſixteen elect biſhops and lords choſe eight barons [a], theſe twenty-four elected eight burgeſſes [b]. This cuſtom ſubſiſted without many inconveniences, till James VI. attempted to reſtore epiſcopacy. That prince, as we have ſeen, began with reſtoring the biſhops and lay-abbots, to their ſeats in parliament; and thereby had the votes of all the repreſentatives of the church at his command. So the nobility, in chuſing eight biſhops, could name none but what were devoted to the king, from whom they received their beneficies. Theſe eight biſhops made it their chief care to name eight lords, on whom the king could depend. Theſe ſixteen never failed to chuſe eight barons of the ſame party, and conſequently, the eight burgeſſes elected by the twenty-four, were likewiſe friends of the court. By this means, the king obtained of the parliament the fore-mentioned acts, to reſtore epiſcopal government in the kirk, notwithſtanding all the endeavours of the general aſſemblies. This gave occaſion alſo

Charles I. 1639.

Acts of the parliament of Scotland.

Annals, p. 789.

Ruſhworth, ii. p. 782. Whitelock, p. 31.

[a] Or Lairds.

[b] Theſe thirty two, with the eight officers of the crown, made up the ſelect committee, called, lords of the articles. Whitelock ſays, the king choſe the eight biſhops.

Charles I. 1639. to the complaint publicly diſperſed in writing, that Charles I. in his journey to Scotland, had uſed unlawful methods to obtain the two acts concerning religion, of which I have ſpoken. It is ſaid, that among the eight lords then choſen by the biſhops, there were three ſuſpected of popery.

Ruſhworth, ii. p. 182. As ſince that time the face of affairs had been much changed in Scotland, and the king had no longer any power there, the parliament, which met by his majeſty's order at Edinburgh in the year 1639, reſolved to prevent the inconveniences flowing from the election of the lords of the articles. To that purpoſe they preſented to the high-commiſſioner an act, declaring null and void whatever ſhould be done in parliament, before the antient way of electing the lords of the articles ſhould be altered. This act was founded not only upon the foreſaid mentioned inconveniences, but chiefly upon the parliament's diſpoſition to aboliſh entirely the order of biſhops, from whence followed an abſolute neceſſity to alter the manner of chuſing the lords of the articles. Beſides, in all appearance, the parliament was willing to obviate thereby the king's demand, that fourteen miniſters or lay-abbots of his chuſing might ſupply the place of the biſhops [c].

Whitelock, p. 31.

Beſides this act, which was very material at this juncture, the parliament preſented alſo ſeveral others, all tending to leſſen the king's prerogative.

Ruſhworth, iii. p. 1027. Annals. "2. By the ſecond it was enacted, that the coin ſhould "not be meddled with, but by advice of parliament.

"3. By the third, that no ſtranger ſhould be entruſted "with keeping of any caſtles, nor other perſon put in them, "but by advice of the eſtates." This was becauſe the king had lately made two Engliſhmen governors of the caſtles of Edinburgh and Dunbarton.

"4. That no patent of honour be granted to any ſtranger, "but ſuch as have a competency of land-rent in Scotland.

"5. That no commiſſion of juſticiary or lieutenancy may "be granted but for a limited time.

"6. They proteſted againſt the precedency of the lord-"treaſurer, and lord privy-ſeal, becauſe, as they alledged, the "ſame was not warranted by a poſitive law."

[c] The parliament allowed the high-commiſſioner to name the eight lords, who ſhould have been named by the biſhops, but proteſted it ſhould be no precedent for the future; and they went on roundly to take away the lords of the articles entirely." When it was debated about what was to be brought in, in lieu of the biſhops, the commiſſioner urged for the king to have fourteen lay-abbots to repreſent the third eſtate, but it was voted, that the third eſtate ſhould be compleated by ſmall barons, who were to repreſent the commonality. Ruſhworth, tom. iii. p. 953.

Tacy

There were others of the same nature, all prejudicial to the king, but which it is needless to insert. It may well be thought, the high-commissioner did not believe himself sufficiently authorised to give his consent to all these acts, without informing his majesty. Charles I. 1639.

The king seeing what course his affairs were taking in the parliament of Scotland, plainly perceived by these first proceedings, that his commissioner would be little able to follow his instructions, and therefore, ordered him by letter only to prorogue the parliament till the 2d of June the next year 1640, and if he met with opposition, to declare that the members who should continue to assemble were guilty of high-treason. This order being signified to the parliament met not with that compliance, the king perhaps had expected. They broke up however, but in such a manner as was no less disagreeable to the king, than if they had continued their session. Before they parted, they made a declaration, importing that the earl of Traquair had not power to prorogue the parliament upon the king's letters, without their consent of the parliament itself. That this order was owing to misinformations, the parliament not having given the king any offence or cause of complaint. That hitherto the parliament were never prorogued without their own consent, and consequently this prorogation was contrary to the usage of the kingdom. They complained moreover, that the earl of Traquair and the council had several ways violated the privileges of the parliament, during this session. In short, they declared, that though they might lawfully remain assembled, notwithstanding the prorogation, they were willing to break up, in order to give the king a proof of their obedience; but however thought proper to leave a committee of some of each estate, to present a remonstrance to his majesty and and attend his gracious answer, and to assure the king on all occasions of the parliament's sincere intention to pay him all due obedience. The declaration concluded with a protestation, that if any outrages and insolences should be committed, they, they could not be imputed to them, since they were constrained to use the propereſt means to secure the kirk and state from the impending misery and confusion.

The king prorogues the parliament. Rushworth, iii. p. 955.

They are disgusted. Declaration against it. Rushworth, iii. p. 955, 956, 1044. Annals.

The break up, but leave a committee.

Pursuant to the power given them by the parliament, the committee sent the earl of Dunfermling and the lord Lowdon to present a remonstrance to his majesty. But the king refused to give these deputies audience, as coming without warrant from the high-commissioner, and without communicating

The king refuses audience to the deputies of the committee. Rushworth, iii. p. 956, 1031.

Charles I. 1639. cating to him the occaſion of their journey. After their departure, the king ſent for the earl of Traquair, and ordered him to report to the council what had paſſed in Scotland ſince the pacification. It was upon this lord's report, and without hearing what the Scots had to ſay in their defence, that the council of England unanimouſly declared, it was abſolutely neceſſary to reduce the Scots to their duty by force of arms. Mean while, as this reſolution ſeemed a little too haſty, ſince it was not yet known what the Scots might plead in their vindication, the king perceiving how prejudicial this precipitation might be to him, gave the committee of Edinburgh leave to ſend their deputies. But this was more for decency, than to ſee whether there would be any reaſon to alter the reſolution already taken, the king not being ignorant of what could be ſaid on this occaſion.

The council of England reſolves upon a war with Scotland. Ruſhworth, iii. p. 992, 1032, &c. Bernet's Mem. of Hamil.

1640. Purſuant to the king's permiſſion, four deputies came preſently after, namely the earl of Dumfermling, the lord Lowdon, Sir William Douglaſs, and Mr. Robert Berkley, and preſented to him two petitions. The firſt was from the late general aſſembly held at Edinburgh, who, after thanking him for being pleaſed to conſent that eccleſiaſtical affairs ſhould be determined in the aſſembly of the kirk, prayed him to ratify their conſtitutions by the parliament. By the other petition, the four deputies deſired to be heard before ſome of the counſellors of both kingdoms, and that the earl of Traquair's report to the council of England might be given them in writing under his hand. The king thought not proper to grant either of theſe articles. However, he appointed a committee of the council to hear them, to which the deputies would not agree, ſaying, they were ſent to his majeſty to juſtify the proceedings of the parliament of Scotland, and not to the council of England, who had no juriſdiction over the Scots. To remove this objection, the king was pleaſed to hear them himſelf, in the preſence of the committee he had appointed. The lord Lowdon made a long ſpeech in vindication of their tranſactions in Scotland; for that was the ſole motive of the deputation. But the king feigning to believe, and being very willing to ſuppoſe they were come to treat with him of an agreement, objected to them, that their powers were inſufficient, ſince they could neither offer nor accept of any terms. A few days after, the council of England declared, that the Scotch deputies had power only to juſtify the proceedings of their countrymen.

Other deputies come from Scotland. Ruſhworth. They preſent two petitions to the king. Ibid.

The king uſes artifice to have occaſion to go to war with Scotland. Ruſhworth, iii. p. 992. 1033, &c.

And

And indeed, they had been ſent only for that purpoſe, and not to treat with the king[d]. Charles I. 1640.

It was reſolved, as I ſaid, in the council of England, to reduce the Scots to obedience by force. It is neceſſary therefore to ſhow upon what this reſolution was founded. Though the king was by no means pleaſed with the acts of the general aſſembly of Edinburgh, he had no reaſon however to complain, ſince they were approved by his high-commiſſioner, authoriſed for that purpoſe by a commiſſion under the great ſeal. Wherefore being deſirous to hinder theſe acts from being ratified by the parliament, he thought it more proper to ground the breach occaſioned by the prorogation of the parliament of Scotland, upon the proceedings of the parliament than upon thoſe of the aſſembly. He complained therefore.

Reaſons alledged by the king for his breaking with Scotland. Ruſhworth, iii. p. 1034, &c. Nalſon, i. p. 273, &c.

"1. That under pretence of his having promiſed a free "parliament, they had carried that freedom ſo far as to "imagine, that it was not to be limited with their own con"ditions, ſubſcribed by the lord Lowden, which were to "enjoy their religion and liberties, according to the eccleſiaſti"cal and civil laws of their kingdom. For it was evident, "that the parliament had far exceeded the bounds eſtabliſhed "by the laws.

"2. If they object, that they aſſume this liberty by our al"lowing of the covenant, and commanding our former "high-commiſſioner the lord marquis of Hamilton, and "other our ſubjects to ſubſcribe it; the anſwer is very ready, "that there is a great difference between the covenant and "band ſubſcribed by our commandment, and their band; for "that covenant and band was made by our late father king "James, of bleſſed memory, Anno 1580, and obligeth "thoſe that ſwear to it, that they ſhould mutually aſſiſt one "another, as they ſhould be commanded by the king, "or any authorized by him. But this new band was "made without our conſent, and by it they ſwear, mu-

Annals.

[d] During theſe commiſſioners ſtay in England, many ſecret councils were held with them by the diſcontented Engliſh; chiefly by the favourers of preſbytery, and thoſe who had ſuffered in the ſtar-chamber, or high-commiſſion. The earls of Eſſex, Bedford, and Holland; the lord Say, Mr. Hampden, and Pym, and others of great intereſt and quality, were deep in with them. Whitelock, p. 3. The lord Savile in particular, with great vehemence, preſſed them to engage in a new war, and among other motives, brought them engagements in writing from moſt of the greateſt peers in England, to join with them, and aſſiſt them when they ſhould come into England with an army. But theſe engagements were diſcovered at the treaty of Ripon to have been a baſe forgery. Burnet's Mem. of Hamil. p. 163. Hiſt. of his time, p. 37. Hiſt. of the Stuarts, p. 141, &c.

Charles I. 1640. "tually to aſſiſt one another, not excepting the king. Neither can the earl of Traquair's ſubſcription or allowance of the covenant be any warrant for their rebellious courſes, ſeeing they did humbly ſupplicate, "that they may be allowed and warranted to ſubſcribe it;" which clearly evinces, that what they did before, and of themſelves, without warrant of authority, was neither laudable nor warrantable. Beſides, it appears by what is prefixt to the earl of Traquair's ſubſcription, that by the covenant he meant the ſame with that of 1580.

"3. Since the parliament, they have, without any authority or commiſſion from us, taken upon them to levy and raiſe forces in ſeveral parts of the kingdom; and have aſſigned them a rendezvous, and a day to be in a readineſs to march.

"4. They have made proviſions of great quantities of artillery, munition and arms, from foreign parts, which they have ready in magazine to make uſe of againſt us their ſovereign.

"5. They have of themſelves laid taxes and impoſitions of ten marks in every hundred upon all and every our ſubjects, according to their ſeveral revenues; and this they exacted with the greateſt rigour and tyranny that can be imagined.

"6. They have cauſed to be framed and publiſhed, ſundry falſe, ſeditious and ſcandalous papers and pamphlets; and amongſt others, one entitled, An Information from the eſtates of the kingdom of Scotland, to the kingdom of England, &c. which we have cauſed to be burnt by the hand of the hangman.

"7. They have refuſed the lord Eſtrick, governor of our caſtle at Edinburgh, timber, and other materials neceſſary for reparation of the works lately fallen down there, notwithſtanding our expreſs commandment by our letters to them, upon their allegiance to furniſh them.

"8. They have committed ſundry outrages and violences upon the perſons of ſome of the garriſon at Edinburgh, that came out of the caſtle to buy victuals.

"9. They have begun to raiſe works and fortifications againſt the ſaid caſtle, thereby to block up that our royal fort, and to render it unuſeful. And they have fortified ſundry other places in that our kingdom, and particularly Inſgarvy, where they have mounted divers pieces of ordnance,

"10. They

" 10. They have lately impriſoned the lord of Southeſk, Charles I.
" and ſundry others of quality, for not adhering to them, 1640.
" and for their fidelity to us.

" 11. The magiſtrates of Edinburgh have upon ſundry " occaſions refuſed to yield us due obedience, alledging, that " they have delivered up the power of governing the town " into the hands of the committee of the pretended tables," " by which they have not only voluntarily diſabled them- " ſelves to ſerve us, but have incurred the guilt of high- " treaſon, by conferring upon any that power of government " which they derive and hold from us alone."

Of theſe eleven articles nine were inconſiderable. As after the prorogation of the parliament, the Scots had great reaſon to fear the king intended to renew the war, the precautions they took for their defence, could not be deemed a juſt cauſe of invading them, though their fear had been vain. At leaſt, all theſe proceedings could have been eaſily repaired by the concluſion of a good peace. But the moſt material article, on which the king chiefly inſiſted was,

" 12. A letter communicated to him by the earl of Tra- " quair, and which had been intercepted by his lordſhip. It " was written to the king of France by the chief of the " male-contents to deſire his aſſiſtance. The letter follows, " with this indorſement, " Au Roy," which, as his ma- " jeſty obſerved, is in France always underſtood from thoſe " ſubjects only to their natural prince.

" SIR,

" YOUR majeſty being the refuge and ſanctuary of af- " flicted princes and ſtates, we have found it neceſſary " to ſend this gentleman, Mr. Colvil, to repreſent unto your " majeſty the candour and ingenuity, as well of our actions " and proceedings, as of our intentions, which we deſire " to be engraven and written to the whole world with a " beam * of the ſun, as well as to your majeſty. We " therefore moſt humbly beſeech you (Sir) to give faith and " credit to him, and to all that he ſhall ſay on our part,

The Scottiſh male-contents letter to the king of France. Ruſhworth. iii. p. 1038. Nalſon, t. i. p. 277.

* It is in the original Raye (which ſignifies a Thornback) inſtead of Rais or Rayon, for which reaſon it ſeems, after the letter was ſigned by ſix of the covenanting lords, it was rejected by the lord Maitland, becauſe it was falſe French; and ſo it was laid aſide, and never again taken into conſideration, but one taking up the letter, brought it to Traquair. Mem. of Duke Hamil. p. 161.——It was ſaid, however, that the Scots were encouraged to take arms from cardinal Richelieu, by his chaplains, Chamberlain and Con, Scots; and by letters which a page of his brought to ſeveral in England and Scotland. Whitelock, p. 33. Coke, p. 325.

Charles I. 1640. "touching us and your affairs; being moſt aſſured (Sir) "of an aſſiſtance equal to your wonted clemency hereto- "fore, and ſo often ſhewed to this nation, which will not "yield the glory to any other whatſoever to be eternally,

"SIR,

"Your majeſty's moſt humble,

"Moſt obedient, and

"Moſt affectionate ſervants,

Rothes. Montroſe. Leſly. Marre.
Montgomery
Loudoun. Forreſter.

The uſe the king made of the letter, Clarendon, f. i. p. 103.

This letter, though no date appears, was writ before the peace. At leaſt, the lord Lowdoun, who was committed to the Tower on that account, affirmed it, and I don't find he was ever contradicted. On the other hand, the king who pretended to receive great advantages from this letter, never ſaid it was penned ſince the ſigning of the articles of pacification. From whence it may be inferred, either the ſubſcribers forgot to date it, or the date was not ſerviceable to the king who produced it. However this be, though the letter was never ſent to France, ſince it was put into the hands of the earl of Traquair in Scotland, the king, who had reſolved to renew the war, made great uſe of it to vindicate his conduct. He pretended, the Scots deſigned to introduce a foreign army into their country to invade England, and therefore he was indiſpenſably obliged to defend his Engliſh ſubjects. But it will be ſeen hereafter, that he did not reap from it all the advantages he expected.

The cauſe of the war.

Upon this foundation however, he reſolved to renew the war with Scotland. But though he alledged many reaſons, as we have ſeen, it is certain, the chief motive was the abolition of epiſcopacy, to which he could not conſent. If this ſingle point could have been adjuſted, the reſt were not conſiderable enough to oblige the two parties to take up arms again. So, the whole queſtion of right between Charles and the Scots was reduced to this: whether James and Charles could alter the government of the kirk of Scotland, notwithſtanding the oppoſition of the kirk itſelf; and whether the Scots might demand the abolition of epiſcopacy, eſtabliſhed

upon

upon the ruins of presbytery, on pretence of the artifices practised by the court to get these acts passed. Charles I. 1640.

The war being resolved, the king took all possible measures to have a numerous army, by taxing, as usual, each county to find a certain number of troops. On the other hand, a sea-fight between the Spaniards and Dutch, near the coast of England, furnished the king with a pretence to renew his warrants for the payment of ship-money. As on this occasion the Dutch, who were the aggressors, had shown little regard to the sovereignty of the sea assumed by the king, his majesty loudly complained of the affront he had received, and upon this foundation seemed bent to equip a powerful fleet to preserve the dominion of the sea, and defend the kingdom. Wherefore he ordered ship-money, as well as the arrears of that tax, to be levied with great severity. The sheriff of Northamptonshire having sent to court a petition of the county against ship-money f, the council reprimanded him very sharply, commanding him to do his office on pain of exemplary punishment. On the other hand, Sir John Finch being made lord-keeper g upon the death of the lord Coventry, made a speech to the judges, to exhort them to use in their circuits all their authority to promote this tax. So, it was evident the king was resolve to compass his ends, let what would be the consequence, and that this imposition was grown by degrees a standing tax upon the people.

Ship-money levied. Rushworth, iii. p. 968, 985. Nalson, t. i. p. 258. &c. Annals.

Clarendon, t. i. p. 104. Rushworth.

Nalson, t. i. p. 286. Rushworth, iii. p. 985. Annals.

At last, the king appointed Algernoon Piercy earl of Northumberland for general of the army against Scotland, and gave him for lieutenant general Thomas lord Wentworth, deputy of Ireland, lately made earl of Strafford. As he always dreaded the correspondents the Scots had in England, and for that reason durst not trust his council with all his affairs, he appointed a secret council, consisting of three persons only, namely, the archbishop of Canterbury, the marquis of Hamilton, and the earl of Strafford h. These three entirely directed the king's

Northumberland is made general, and Strafford lieutenant-general. Rushworth, iii. p. 988. Annals, p. 797. The secret council. Whitelock, p. 32.

f Sir Christopher Yelverton high-sheriff of Northamptonshire (Rapin by mistake says of Northumberland) sent, enclosed in a letter, a copy (under the hand of the clerk of the peace) of a presentment made by the grand jury, at a quarter-sessions concerning ship-money. Rushw. tom. iii. p. 991, 992.

g He was created baron of Fordwick in Kent, April 7, Rushworth, tom. iii. p. 1102.

h The affairs of state were principally managed by the archbishop of Canterbury, the earl of Strafford and the lord Cottington. To these were added the earl of Northumberland, for ornament, the bishop of London, for his place, being lord-treasurer, the two secretaries, Vane and Windebank, for service and intelligence; only the marquis of Hamilton by his skill and interest meddled just so far, and no farther, than he had a mind. These persons made up the committee of state, reproachfully after called the Junto, and enviously then in the court, the cabinet council. Clarendon, tom. i. p. 117.

most

Charles I. 1640. moſt important affairs, and were the perſons, that after mature deliberation adviſed him to call a parliament. But as the king objected to them, that before the ſubſidies, which the parliament ſhould grant, could be paved, he ſhould be reduced to great ſtraits; the ſecret council provided againſt this inconvenience, by adviſing him to borrow of each of his counſellors or others, who ſhould be willing to lend, the ſums he ſhould want to ſupply his preſent occaſions. The earl of Strafford alone ſubſcribed twenty thouſand pounds. The example of the counſellors being followed by ſome other lords, the king was enabled to make preparations for the war, before he had received any aid from the parliament. So, the parliament was called for the 13th of April, and a few days after the king publiſhed a proclamation, to revoke the ſame patents which had ſerved to eſtabliſh monopolies, though they had been revoked once before without any effect.

Nalſon, t. i. p. 280. Annals.

The king calls a parliament. Ruſhworth, iii. p. 1103.

The parliament meets. April 13.

The parliament being aſſembled at Weſtminſter, on the day appointed, the king went to the houſe of lords, and made the following ſpeech to both houſes.

My lords and gentlemen,

The king's ſpeech to the parliament. Ruſhworth, iii. p. 1114. Nalſon, t. i. p. 306. Annals.

"THERE was never a king that had a more great and "weighty cauſe to call his people together than my ſelf: "I will not trouble you with the particulars; I have informed "my lord-keeper, and commanded him to ſpeak, and de"ſire your attention."

Then Sir John Finch lord-keeper, ſpoke thus:

"My lords, and you the knights, citizens, and burgeſſes "of the houſe of commons,

"You are here this day aſſembled by his majeſty's gra"cious writ and royal command, to hold a parliament, the "general, antient, and greateſt council of this renowned "kingdom. By you, as by a ſelect choice and abſtract, the "whole kingdom is preſented to his majeſty's royal view, "and made happy in the beholding of his excellent and ſa"cred perſon. All of you, not only the prelates, nobles "and grandees, but in your perſons that are of the houſe of "commons, every one, even the meaneſt of his majeſty's "ſubjects, are graciouſly allowed to participate and ſhare in "the honour of thoſe counſels, that concern the great and "weighty affairs of the king and kingdom. You come all

"ſummoned

armed with the votes and ſuffrages of the whole nation: and I aſſure myſelf, your hearts are filled with the zealous and humble affection to his majeſty's perſon and government, that ſo juſt, ſo pious, and ſo gracious a king, hath reaſon to expect from all his ſubjects. I doubt not, but you rejoice at this day's meeting, and methinks you ſhould do ſo too; and good reaſon you have to do ſo, and with all humbleneſs of heart to acknowledge, the great goodneſs of his majeſty, who ſequeſtring the memory of all former diſcouragements in preceding aſſemblies, is now of a fatherly affection to his people, and a confidence that they will not be failing in their duty to him, who is pleaſed graciouſly to invite you and all his loving ſubjects to a ſacred unity of hearts and affections, in the ſervices of him and of the common-wealth, and in the execution of thoſe counſels that tend only to the honour of his majeſty, and to the good preſervation of you all. His majeſty's kingly reſolutions are ſeated in the ark of his ſacred breaſt, and it were a preſumption of too high a nature, for any Uzzah uncalled to touch it: yet his majeſty is now pleaſed to lay by the ſhining beams of majeſty, as Phœbus did to Phaeton, that the diſtance between ſovereignty and ſubjection ſhould not bar you of that filial freedom of acceſs to his perſon and counſels, only let us beware how, with the ſon of Clymene, we aim not at the guiding of the chariot, as if that were the only teſtimony of fatherly affection: and let us ever remember, that though the king ſometimes lays by the beams and rays of majeſty, he never lays by majeſty itſelf. Charles I. 1640.

"In former parliaments you have been adviſed with, for the preventing and diverting of thoſe dangers, which by foreign and more remote counſels, might have tended to the diſhonour and ruin of this nation; therein his majeſty's great wiſdom and providence hath for many years eaſed you of that trouble, his majeſty having with great judgment and prudence not only ſeen and prevented our danger, but kept up the honour and ſplendor of the Engliſh crown, of which at this day we find the happy and comfortable experience; Almighty God having vouchſafed ſuch ſucceſs to his majeſty's counſels, that our fleece is dry, when it raineth blood in all the neighbouring ſtates. But what availeth this the kingdom? Si foras hoſtem non inveniat, ſi modo domi inveniat. You are now ſummoned to counſels and reſolutions that more nearly concern you, to prevent a danger and diſhonour that knocks at our gates, and that

Charles I. 1640. "moves from ſuch, from whom we had little reaſon to ſuſ-
"pect it. It is well known upon what happy and ſolid coun-
"ſels one of our wiſeſt kings made a match with Scotland
"for his eldeſt daughter. We cannot forget (I am ſure we
"ſhould not) the bleſſed ſucceſs that waited upon thoſe coun-
"ſels, when the crown of England deſcended upon king
"James of every bleſſed and famous memory, who with the
"fulneſs of joy to all true Engliſh hearts, made his entry not
"by bloodſhed. The wall of ſeparation was thereby taken
"away; and that glorious king, to make his word good,
"faciam eos in gentem unam, made all England rejoice, and
"Scotland I am ſure had no reaſon to be ſorry for it: they
"participated of Engliſh honours, the wealth and revenue of
"this nation they ſhared in, and no good thing was with-
"holden from them; ſuch was the largeneſs of heart in that
"moſt excellent king, and ſuch was the comfort we took in
"this fraternity, or rather unity: when both of us had but
"one brazen wall of fortification to look unto, the ſea, and
"all things ſo equally and evenly carried between us, that
"Tros Tyriuſque nullo diſcrimine habentur. His majeſty,
"our moſt gracious ſovereign, became heir, as well to his
"father's virtues as to his kingdoms, Pacatumque regit, &c.
"and in his gracious and tender affection to that nation, hath
"given as many indulgent teſtimonies of love and benignity,
"as they could expect. Thus became we both like a land
"flowing with milk any honey; peace and plenty dwelt in
"our ſtreets, and we have had all our bleſſings crowned with
"the ſweet hopes of perpetuity. God found out for my
"lord the king a companion meet for him, his royal con-
"ſort, our moſt gracious queen, who, as ſhe is not to be
"paralleled for her perſon and virtue, ſo hath ſhe made his
"majeſty and the whole kingdom moſt happy and bleſſed
"in the ſweeteſt pledges of their love, and our hopes, which
"ever ſtood like olive-branches about the throne or table:
"but which, I ſorrow for, Civiles furores patriæ nimia in-
"felicitas, and when his majeſty had moſt reaſon to expect a
"grateful return of loyalty and obedience from all the Scotiſh
"nation, ſome men of Belial, ſome Zeba, hath blown the
"trumpet there, and by their inſolencies and rebellious ac-
"tions drawn many after them, to the utter deſertion of his
"majeſty's government; and his majeſty's and his kingly fa-
"ther's love and bounty to that nation quite forgotten, his
"goodneſs and piety unremembred.

"They have led a multitude after them into a courſe of
"diſloyalty and rebellious treaſon, ſuch as former times have

"not

"not left in mention, not this preſent age can any where Charles I.
"equal; they have taken up arms againſt the Lord's anoint- 1640.
"ed, their rightful prince, and undoubted ſovereign, and
"following the wicked counſels of ſome Achitophel, they
"have ſeized on the trophies of honour, and inveſted them-
"ſelves with regal power and authority? Such, and ſo many
"acts of diſloyalty and diſobedience, as (let their pretences be
"what they will be) no true Engliſh or chriſtian heart, but
"muſt acknowledge them to be the effects of foul and hor-
"rid treaſon.

"The laſt ſummer his majeſty, at his own charge, and at
"the vaſt expence of many of his faithful and loving ſubjects
"of England, went with an army, and then they took upon
"them the boldneſs to out-face and brave his royal army,
"with another of their own raiſing; yet for all this, his
"majeſty's goodneſs was not leſſened by that, nor could his
"gracious nature forget what he was to them, nor what
"they were to him; but conſidering with himſelf they were
"ſuch quos nec vincere, nec, vinci glorioſum fuerat, out of
"his piety and clemency, choſe rather to paſs by their for-
"mer miſcarriages, upon their humble proteſtations of future
"loyalty and obedience, than by juſt vengeance to puniſh
"their rebellions.

"But his majeſty (who is ever awake for the good and
"ſafety of all his ſubjects) hath ſince too plainly diſcovered,
"that they did but prevaricate with him to divert the ſtorm
"which hung over their heads, and by gaining time to pur-
"chaſe themſelves more advantage for purſuing their rebel-
"lious purpoſes.

"For ſince his majeſty came from Berwick, it is come to
"his certain knowledge, that inſtead of performing that loy-
"alty and obedience, which by the laws of God, of nature,
"and nations, they owe unto him, they have addreſſed them-
"ſelves to foreign ſtates, and treated with them to deliver
"themſelves up to their protection and power (as by God's
"great providence and goodneſs, his gracious majeſty is able
"to ſhew under the hands of the prime ring-leaders of that
"faction) than which nothing could be of more dangerous
"conſequence to this and his majeſty's other kingdoms.
"Whoſoever they be that do, or ſhall wiſh England ill, they
"may know it to be of too tough a complexion and courage,
"to be aſſailed in the face, or to be ſet upon at the fore-
"door: and therefore it is not unlikely, but they may (as in
"ſome other times) find out a poſtern-gate.

There

Charles I. 1640. "There were heretofore two of them, Scotland and Ireland, and both of them had their ſeveral defences.

"Ireland, through his majeſty's juſt and prudent government, is not only reduced from the diſtemper of former times, but ſettled in ſuch a condition of peace, and during his majeſty's happy reign ſo altered and civilized, that inſtead of being a charge to him (as it was to his predeceſſors) hath yielded to him ſome revenue, and his ſubjects there do daily give very acceptable teſtimonies of their loyal and dutiful affection, both to his perſon and government. And now lately at the parliament aſſembled, they have not only with full and free conſent, made his majeſty a chearful aid towards his preſent preparations, to reduce his diſſaffected ſubjects in Scotland to their due obedience, but they have alſo profeſſed and promiſed, that they will be ready with their perſons and eſtates, to the uttermoſt of their ability, for his majeſty's future ſupply, as his great occaſions, by the continuance of his forces againſt that diſtemper, ſhall require; ſo that the hopes of hurting England that way, are quite extinct.

"Scotland then only remains, whither (as to a weak and diſtempered part of the body) all the rheums and fluxes of factious humours make way.

"His majeſty hath taken all theſe and much more into his princely conſideration; and to avoid a manifeſt and apparent miſchief, threatned to this and his other kingdoms, hath reſolved, by the means of a powerful army, to reduce them to the juſt and modeſt conditions of obedience.

"It is a courſe his majeſty takes no delight in, but is forced unto it; for ſuch is his majeſty's grace and goodneſs to all his ſubjects, and ſuch it is and will be to them (how undutiful and rebellious ſoever they now are) that if they put themſelves into a way of humility becoming them, his majeſty's piety and clemency will ſoon appear to all the world: but his majeſty will not endure to have his honour weighed at the common beam; nor admit any to ſtep between him and his virtue: and therefore as he will upon no terms admit the mediation of any perſon whatſoever, ſo he ſhall judge it as high preſumption in any perſon to offer it, and as that which he muſt account moſt dangerous to his honour, to have any conceit, that the ſolliciation of others can, by any poſſibility, better incline him to his people than he is, and ever will be, out of his own grace and goodneſs.

"The

" The charge of ſuch an army hath been thoroughly ad- Charles I.
" viſed, and muſt needs amount to a very great ſum, ſuch as 1640.
" cannot be imagined to be found in his majeſty's coffers,
" which, how empty ſoever, have neither yet been exhauſted
" by unneceſſary triumphs, or ſumptuous buildings, or other
" magnificence whatſoever, but moſt of his own revenue,
" and whatſoever hath come from his ſubjects, hath been by
" him employed for the common good and preſervation of
" the kingdom. And like vapours ariſing out of the earth
" and gathered into a cloud, are fallen in ſweet and refreſh-
" ing ſhowers upon the ſame ground. Wherefore his ma-
" jeſty hath now at this time called this parliament, the
" ſecond means under God's bleſſing to avert theſe public ca-
" lamities threatned to all his kingdoms, by the mutinous
" behaviour of them.

" And as his majeſty's predeceſſors have accuſtomed to do
" with your fore-fathers, ſo his majeſty now offers you the
" honour of working together with himſelf, for the good of
" him and his, and for the common preſervation of your-
" ſelves and your poſterity.

" Counſels and deliberations that tend to benefit or profit,
" may endure diſputes and debates, becauſe they ſeem only
" accompanied with perſuaſions; but deliberations that tend
" to preſervation are waited upon by neceſſity, and cannot
" endure either debate or delay; of ſuch nature are the bleed-
" ing evils that are now to be provided againſt.

" This ſummer muſt not be loſt, nor any minute of time
" forefollowed, to reduce them of Scotland, leſt by protraction
" here they gain time and advantage to frame their parties
" with foreign ſtates.

" His majeſty doth therefore deſire, upon theſe preſſing
" and urgent occaſions, that you will for a while lay aſide
" all other debates, and that you would paſs an act for ſuch
" and ſo many ſubſidies, as you in your hearty affection to
" him, and to your common good, ſhall think fit and conve-
" nient for ſo great an action; and withal, that you would
" haſten the payment of it, as ſoon as may be: and his ma-
" jeſty aſſures you all, that he would not have propoſed any
" thing out of the ordinary way, but that ſuch is the ſtrait-
" neſs of time, that unleſs the ſubſidies be forthwith paſt,
" it is not poſſible for him to put in order ſuch things as
" muſt be prepared before ſo great an army can be brought
" into the field.

" And indeed had not his majeſty upon the credit of his
" ſervants, and ſecurity out of his own eſtate, taken up and

" iſſued

Charles I. 1640. "iſſued between three and four hundred thouſand pounds, "it had not been poſſible for his majeſty to have provided "thoſe things to begin with, which were neceſſary for ſo "great an enterprize, and without which we could not have "ſecured Berwick and Carliſle, or avoided thoſe affronts, "which the inſolency of that faction might have put upon "us, by injuring the perſons and fortunes of his loyal ſub-"jects in the northern parts.

"To avoid all queſtion and diſpute that may ariſe, touch-"ing his majeſty's taking tunnage and poundage, his majeſty "hath commanded me to declare unto you, that he hath "taken it only de facto, according to the example of former "kings, from the death of their paſt predeceſſors, until the "parliament had paſſed an act for it themſelves. That in "like manner, his majeſty deſires not to claim it, but by "grant of parliament; for this purpoſe his majeſty hath cauſ-"ed a bill to be prepared in the ſame form as it paſſed to his "royal father of bleſſed memory, adding only words to give "it him, from the firſt of his majeſty's reign.

"This and the bill of ſubſidies his majeſty expects (for "the preſſing reaſons before delivered unto you) may be diſ-"patched with all ſpeed, which his majeſty commanded me "to tell you he ſhall graciouſly accept, as the welcome pledges "of your loving, happy, and dutiful affection to him, his "perſon, and government.

"And his majeſty is graciouſly pleaſed to give you his "royal word, that afterwards he will give you time for con-"ſidering of ſuch petitions, as you ſhall conceive to be good "for the commonwealth, even now before you part, accord-"ing as the ſeaſon of the year, and the great affairs in hand "will permit; and what is now omitted, his majeſty will "give you time to perfect towards winter, when your own "leiſure and conveniency may better attend it, he knowing "well that theſe ſubſidies can be but of little uſe, without "that more ample ſupply which his majeſty expects upon the "happy concluſion of this ſeſſion, and therein his majeſty is "graciouſly pleaſed (according to the antient way of parlia-"ments) to ſtay till your juſt grievances be heard and re-"dreſſed.

"And his majeſty aſſures you, that he will go along with "you for your advantage, through all the gracious expreſ-"ſions of a juſt, a pious, and gracious king, to the end there "may be ſuch a happy concluſion of this parliament, that "it may be a cauſe of many more meetings with you. I

"have

" have now delivered what I have in command from his Charles I.
" majeſty." 1640.

When the lord-keeper had ended his ſpeech, the king ſaid, ——

" My Lords,

" YOU ſhall ſee he hath ſpoken nothing hyperbolically, or nothing but what I ſhall make good one way or other. The king's ſpeech.

" And becauſe he did mention a letter by my ſubjects in Scotland, who did ſeek to draw in foreign power for aid, here is the original letter, which I ſhall command him to read unto you.

" And becauſe it may touch a neighbour of mine, whom I will ſay nothing of but that which is juſt (God forbid I ſhould) for my part, I think it was never accepted of by him: indeed it was a letter to the French king, but I know not that ever he had it; for by chance I intercepted it as it was going unto him; and therefore I hope you will underſtand me right in that."

His majeſty delivering the letter to the lord-keeper, his lordſhip began to read it, and obſerved as follows:

" The ſuperſcription of the letter is this, AU ROY. The lord-keeper goes on.
" For the nature of which ſuperſcription, it is well known to all that know the ſtyle of France, that it is never written by any Frenchman to any, but to their own king; and therefore being directed (AU ROY) it is to their own king, for ſo in effect they do by that ſuperſcription acknowledge."

Then his lordſhip having read the letter both in French and Engliſh, the king added as follows: Reads the Scotch lords letter to the king of France.

" Of theſe gentlemen that have ſet their hands to this letter, here is one, and I believe you would think it very ſtrange if I ſhould not lay him faſt; and therefore I have ſigned a warrant to lay him cloſe priſoner in the Tower.

" My lords I think (but that I will not ſay poſitively, becauſe I will not ſay any thing here but what I am ſure of) I think I have the gentleman, that ſhould have carried the letter, faſt enough; but I know not, I may be miſtaken." The king concludes the diſcourſe.

The king being withdrawn, the commons returned to their houſe, and choſe ſerjeant Glanville for their ſpeaker. Glanville choſen ſpeaker.

The king imagined the parliament would take fire at hearing the letter written by the Scotiſh lords to the king of France. And therefore immediately after the commons had preſented their ſpeaker, and appointed their committees, the lord Cottington reported to the upper-houſe, that by his majeſty's Rushworth, iii. p. 1121. The parliament meddles not with the Scotch affairs.

Charles I. 1640.

jesty's command, he and secretary Windebank, with the attorney-general, had examined the lord Lowdon in the Tower, and that Lowdon owned the letter to be his hand-writing, but alledged, it was penned before the pacification, and never sent[1]. However, neither the lords nor commons would interpose in the affair. Some days after the king sent a message to the commons by secretary Windebank, representing to them the affronts and indignities he had received from the Scots: but the secretary's speech was heard with great coldness, without producing any apparent effect. Instead of concerning themselves with the affairs of Scotland, the commons eagerly received a petition from the county of Hertford, complaining of sundry grievances, as ship-money, monopolies, star-chamber, high-commission. Several speeches not very favorable to the king, were made on this occasion. The next day were read petitions from divers counties upon the same subject; after which Mr. Pym rose up, and reducing the grievances of the people to three heads, namely, the privileges of parliament, innovations in religion, propriety of goods and estates, made a long speech to show, that in all these things the nation's rights had been violated.

Whitelock, p. 33. Annals, p. 822. April 16. Rushworth, iii. p. 1127. Ibid. p. 1128—1148. Nalson, t. i. p. 319, &c. April 17.

On the 18th, it was moved to send for the rolls of the star-chamber, to examine the process against Sir John Elliot and others. Then it was ordered, that the court-rolls, containing Mr. Hampden's trial for refusing to pay ship-money, should be laid before the house. On the 20th, the speaker being examined, answered, that he had refused to put the question by his majesty's express command; whereupon it was immediately voted to be a breach of privilege. On the 21st, both houses were ordered to attend the king at Whitehall, where the lord-keeper spoke to them in this manner, in the king's presence.

Rushworth, iii. p. 1136. p. 1137. Annals.]

The houses are sent for to Whitehall.

"My Lords and Gentlemen,

"YOU may well remember, upon the beginning of this parliament, his majesty commanded me to deliver unto you the causes of calling it, which was for the assistance and supply of his majesty in so great, weighty, and important affairs, as ever king of England had to require at his subjects hands.

The lord-keeper's speech to both houses. Rushworth, iii. p. 1137. Nalson, t. i. p. 324.

[1] There were (says Burnet) some ill instruments about the king, who advised him to proceed capitally against Lowdon, which is believed went very far. However, the marquis of Hamilton, with the king's permission, tried to gain Lowdon to the king, and finding him pliant, they came to a private agreement, and Lowdon was enlarged, and permitted to go down to Scotland, having promised to do the king service. See Burnet's Memoirs, p. 170, 171.

"I am

" I am now to put you in mind what I then ſaid unto Charles I.
" you, and withal to let you know that ſuch and ſo great are 1640.
" his majeſty's occaſions at this time, that if the ſupply be
" not ſpeedy, it will be of no uſe at all: For the army is now
" marching, and doth ſtand his majeſty in at leaſt one hun-
" dred thouſand pounds a month, and if there be not means
" uſed to go on with this as is fitting, his majeſty's deſign
" will be loſt, and the charge all caſt away. It is not a
" great and ample ſupply for the perfecting of the work,
" that his majeſty doth now expect, but it is ſuch a ſupply,
" as without which, the charge will be loſt, and the deſign
" fruſtrated, being built upon thoſe weighty reaſons which
" tend to the infinite good of the kingdom, and preſervation
" of you all.

" This done, his majeſty will give you ſcope and liberty
" to preſent your juſt grievances unto him, and he will hear
" them with a gracious ear, and give them ſuch an anſwer,
" as you and all the kingdom ſhall have reaſon to joy therein.

" His majeſty taketh notice of one particular, and that
" is concerning ſhip-money; wherein his majeſty hath com-
" manded me to declare thus much unto you: Firſt, his ma-
" jeſty never had it in his royal heart to make an annual re-
" venue of it, nor ever had a thought to make the leaſt be-
" nefit or profit of it: But whatſoever he did or intended in
" it, it was for the common good of you all; for the honour,
" glory and ſplendor of this nation, and that every one of
" us are made ſharers and partakers in the benefits, fruits,
" and ſucceſſes of it, which otherwiſe you would have felt
" the woes of it. He hath been ſo far from making the leaſt
" benefit of it, that he hath expended great ſums of money
" out of his own coffers to work with, to thoſe neceſſary ends
" I have named unto you.

" The accompts of ſuch moneys ſo received, have been
" brought to the council-table, the moneys delivered to Sir
" William Ruſſel the treaſurer of the navy, and by them all
" it may appear, whether there hath been a fulneſs and clear-
" neſs of truth in the diſburſements thereof, for the good and
" ſafety of the kingdom.

" It is true, his majeſty had once intended this year not
" to have taken that courſe, but an army, which his majeſty,
" ſo juſt a king, for the preſervation of the kingdom, hath
" now taken into conſideration; and I muſt tell you, that his
" majeſty prizeth nothing more than his honour, and he will
" not loſe for any earthly thing, his honour in the leaſt;
" they cannot make thoſe expreſſions of love, duty and af-

Charles I. 1640.

" ſection to him, which the graciouſneſs of his nature will " not exceed in.

" Of all his kingdoms this ought to be the neareſt and " deareſt unto him; yet for his kingdom of Ireland, the laſt " parliament before this, the very ſecond day of the parlia- " ment they gave him ſix ſubſidies, they relied upon his gra- " cious words, the ſucceſs was that before the end of the " parliament they had all that they deſired granted, and had " it with an advantage. This laſt parliament there, it is " well known unto you all, what a chearful ſupply they " have given unto his majeſty, for their hearts went with it; " and let it not be apprehended, that ſubſidies there are of a " ſmall value; there is not a ſubſidy that is granted, but it is " worth fifty or ſixty thouſand pounds at the leaſt: Conſider " that kingdom, what proportion it holdeth with this of " England, and you will find that it is a conſiderable gift, " as hath been given in many years. It hath wrought this " effect, that certainly his majeſty will make it apparent to all " the world, what a good conſtruction, and how graciouſly he " doth eſteem and interpret this act of theirs. I have di- " rected hitherto my ſpeech to you that are of the houſe of " commons; now I ſhall addreſs myſelf to your lordſhips.

" It is true, the proper and natural ſupply proceeds from " the houſe of commons, yet in aid at this time, his majeſty " hath called you hither, and hopeth he ſhall not find the " houſe of commons backward to his deſires, nor your lord- " ſhips to concur with them.

" To you of the houſe of commons, I did forget one " thing of an objection that might perhaps be made; that " tunnage and poundage is given towards the maintenance " of a fleet at ſea, let me tell you that tunnage and poundage " was never intended but for ordinary preſervation of the ſea, " not that that ſhould be to defend the dominion of the nar- " row ſeas, when the navies of all the princes of Chriſten- " dom, are ſo increaſed as they are. It is fit for his majeſty " (as things now ſtand) to have ſuch a ſtrength at ſea, as " may be a terror to others abroad.

" His majeſty was once reſolved, that no ſhipping-writs " ſhould have iſſued out this year, but he was enforced for " your good, and the good of the kingdom, and for his ho- " nour, upon neceſſary and weighty reaſons to ſend forth " writs, and thoſe reaſons were theſe.

" It was of neceſſity for his majeſty to prepare an army to " reduce his diſaffected ſubjects of Scotland to their due " obedience. This very year all the neighbouring princes

" are preparing with great fleets of ſhips, ſo as it is time Charles I.
" for his majeſty to put himſelf into a ſtrength that he may 1640.
" be able to preſerve the dominion of the narrow ſeas, with-
" out which this kingdom will be loſt, he not being able to
" maintain his right of being the moderator of the ſea,
" whereby there may be freedom and commerce of trade,
" which adds exceedingly to the flouriſhing of this kingdom.
" Another reaſon for ſhipping-writs this year is, that thoſe of
" Argier are grown to that inſolence, that they are provided
" of a fleet of ſixty ſail of ſhips, and have taken divers ſhips,
" and one called the Rebecca of London, (well known to
" the merchants upon the Exchange) taken upon the coaſt
" of Spain, worth at the leaſt two hundred and ſixty thou-
" ſand pounds. And therefore the writ having gone out upon
" thoſe weighty reaſons, before it was poſſible the parliament
" could give any ſupply to provide for thoſe things, his ma-
" jeſty cannot this year forbear it, but he doth expect your
" concurrence in the levying of it for the future. I ſhall
" ſpeak that unto you by his majeſty's command, which
" may comfort any Engliſh heart: His majeſty hath no
" thoughts of inriching himſelf by the moneys coming in
" upon theſe writs; he doth deſire but to live as it behoves
" a king of England, able to defend you and this nation in
" honour and in luſtre, which is famous abroad, and glori-
" ous at home, and to live but like ſuch a king, as every
" true Engliſh heart deſireth their king ſhould be.

" Be maſters of your own way, ſettle it ſo ſecure and ſo
" ſafe, that it may never come to the leaſt benefit and ad-
" vantage to himſelf, but for the common good and thoſe
" neceſſary ends wherein you ſhall all ſhare in your plenty,
" peace, honour, and whatſoever any Engliſhman can glory
" in. His majeſty commands me to tell you, you ſhall pro-
" pound nothing wherein you may receive all ſecurity for the
" property of your goods, and nothing for ſecuring your own
" liberties, wherein he will not moſt readily liſten unto you;
" and be as willing to grant, as you to aſk. His majeſty
" doth now offer unto you the reaſons, occaſions, and the
" way to make this the moſt bleſſed and moſt happy parlia-
" ment that ever was, and that may produce ſuch effects,
" that the king may delight in his people, and the people in
" their king. And he layeth before you not only the counſel
" to do ſo; but he will tell you the way, and that is, by
" putting an obligation of truſt and confidence upon him,
" which ſhall more ſecure you than all that you can invent,
" or fears or jealouſies can imagine to be provided for; it is

Charles I. 1640. "a courſe that good manners, duty, and reaſon ſhould re- "quire of you, to take into conſideration."

The king is offended at the proceedings of the commons.

This ſpeech was not capable of hindering the commons from proceeding in the examination of the grievances, and thereby they inverted the order preſcribed them by the king. He was extremely troubled to ſee the time paſs away to no purpoſe, and that the commons ſhould ſo little regard him, as not to rely on his promiſe, to hearken to their grievances, when the affair of ſupply ſhould be ended. In ſhort, perceiving the commons were not much moved by whatever he could repreſent to them, he ſo managed, that the lords demanded a conference, where they endeavoured to ſhow, that the affair of ſupply ought to precede that of grievances. This conference ſerved only to retard the king's affairs. The commons taking offence, that the lords ſhould meddle with what did not belong to them, voted it to be a breach of privilege [k]. Several days were ſpent in this conteſt, and many conferences held, in which, contrary to the king's expectation, much time was loſt. Wherefore, on the 2d of May, the king ſent a meſſage to the commons for a poſitive anſwer concerning the ſupply he expected. But as they made no haſte to anſwer, on the 4th of May his majeſty ſent Sir Henry Vane ſecretary of ſtate with the following meſſage:

He cauſes the lords to demand a conference. Ruſhworth, iii. p. 1144, 1147. Clarendon, t. i. p. 106. April 27.

Ruſhworth, iii. p. 1153.

The king's meſſage. May 14. Nalſon, t. i. p. 341. Clarendon, t. i. p. 133. Ruſhworth, iii. p. 1154.

"His majeſty (the better to facilitate your reſolutions) this "day has thought fit to let you know, that of his grace and "favour he is pleaſed, upon your granting twelve ſubſidies "to be preſently paſſed, and to be paid in three years, with a "proviſo, that it ſhall not determine the ſeſſions, his ma- "jeſty will not only for the preſent forbear the levying any "ſhip-money, but will give way to the utter aboliſhing of it, "by any courſe that your ſelves ſhall like beſt."

The commons having taken this offer into conſideration, great debates enſued, many thinking the king's demand exorbitant [l]. However, the lord Clarendon, who was then a member of the houſe, affirms, that notwithſtanding the clamours of thoſe who oppoſed the court, the houſe was in-

t. i. p. 107, 108.

[k] So high a breach (ſays the lord Clarendon) that they could not proceed upon any other matter, until they firſt received ſatisfaction from the houſe of Peers. Clarendon, tom. i. p. 106.

[l] Whitelock ſays, Sir Henry Vane eſcaped not without cenſures. "That "his commiſſion from the king was "but to demand ſix ſubſidies, and that "his miſtake in requiring twelve ſub- "ſidies, was on purpoſe to raiſe the "houſe to animoſity." Which, adds he, took effect, but whether intended ſo or not, is hard to judge. Whitelock's Mem. p. 34. See Nalſon, tom. i. p. 543.

clined

clined by degrees to give the king ſome ſatisfaction. But as the houſe could not come to a reſolution the firſt day, Sir Henry Vane was deſired to acquaint his majeſty, that they hoped to return him an anſwer on the next. Mean while, the king was maliciouſly informed, that the commons ſought only to gain time, in order to vote on the morrow againſt the war with Scotland [m]. The king unfortunately gave entire credit to this information, the falſehood whereof he perceived not till it was too late to repair his error. So, the next day, going to the houſe of lords, and ſending for the commons, he made the following ſpeech, addreſſing himſelf only to the lords: Charles I. 1640. May 5.

The king is wrong informed. Nalſon, t. i. p. 343. Annals.

" My Lords,

" THERE can no occaſion of my coming to this houſe be ſo unpleaſing to me, as this at this time. The fear of doing that which I am to do this day, made me not long ſince come into this houſe, where I expreſt as well my fears, as the remedy which I thought neceſſary for the eſchewing of what is to follow.

The king's ſpeech at the diſſolving of the parliament. Ruſhworth. ibid. Nalſon, t. i. p. 342.

" I muſt confeſs and acknowledge, that you my lords of the higher houſe, did give me ſo willing an ear, and with ſuch an affection did ſhew yourſelves, that certainly I may ſay, that if there had been any means to have given an happy end to this parliament, you took it; ſo that it was neither your lordſhips fault nor mine, that it is not ſo. Therefore, in the firſt place, I muſt thank you my lords for your good endeavours.

" My lords, I hope you remember what, the firſt day of the parliament, my lord-keeper ſaid to you in my name, and what likewiſe he ſaid in the banquetting-houſe in Whitehall, and what lately I ſaid unto you in this place myſelf. I name all this unto you, not doubting that you do not well remember it, but to ſhew you that I never ſaid any thing in way of favour to my people, but (by the grace of God) I will punctually and really perform it.

" I know that they have inſiſted very much on grievances; I will not ſay, but there may be ſome, though I will confidently affirm, that there are not by many degrees ſo many as the public voice doth make them. Wherefore I deſire you to take notice, now eſpecially at this time, that out of

[m] The lord Clarendon ſays, ſir Henry Vane, and the ſollicitor-general, made a worſe repreſentation of the humour and affection of the houſe than it deſerved, and undertook to know, that if they came together again, they would paſs ſuch a vote againſt ſhip-money, as would blaſt that revenue, and other branches of the receipt. Vol. p. 110.

Charles I. 1640. "parliament I ſhall be as ready (if not more willing) to hear "and redreſs any juſt grievances, as in parliament.

"There is one thing much ſpoken of, I mean as to matters "of religion. Concerning which, albeit I expreſſed myſelf "fully the laſt day in this place, yet I think it fit again, on "this occaſion to tell you, that as I am concerned, ſo I ſhall "be moſt careful to preſerve that purity of religion, which I "thank God is ſo well eſtabliſhed in the church of England, "and that, as well out of as in parliament.

"My lords, I ſhall not trouble you long with words, it "being not my faſhion; wherefore to conclude, what I "offered the laſt day to the houſe of commons, I think it is "very well known to you all; as likewiſe how they accepted "it, which I deſire not to remember, but wiſh they had re-"membred, how at firſt they were told by my lord-keeper, "that delay was the worſt kind of denial; yet I will not "lay this fault on the whole houſe of commons; I will not "judge ſo uncharitably of thoſe, whom, for the moſt part, I "take to be loyal and well-affected ſubjects, but it hath been "the malicious cunning of ſome few ſeditiouſly affected men, "that hath been the cauſe of this miſunderſtanding.

"I ſhall now end as I have begun, in giving you thanks "for your affections ſhewn to me at this time, deſiring you "to go on and aſſiſt me in the maintaining of that regal "power that is truly mine. As for the liberty of the people, "that they now ſo much ſtartle at; know, my lords, that no "king in the world ſhall be more careful in the propriety of "their goods, liberty of their perſons, and true religion, than "I ſhall.

"And now, my lord-keeper, do as I have commanded you."

"The lord keeper then added,

"My lords, and you the gentlemen of the houſe of com-"mons, The king's majeſty doth diſſolve this parliament."

Some members of the houſe of commons are impriſoned. May 6. Nalſon, t. i. p. 514. Ruſhworth, iii. p. 1107.

Next day officers were ſent by the council to ſearch the lord Brook's pockets and ſtudy for papers, he being ſuſpected of holding intelligence with the Scots. Henry Bellaſis, knight of the ſhire for the county of York, and Sir John Hotham, were examined in council, and committed to the Fleet, for refuſing to anſwer to queſtions concerning things done in parliament. John Crew, eſq; afterwards lord Crew, who had been chairman of the committee for the affairs of religion, refuſing to deliver to the clerk of the houſe of commons, ſuch petitions and papers as he had received, was ſent to the Tower.

The

The lord Clarendon owns, the king had no ſooner diſ- Charles I.
ſolved the parliament, but he was heartily ſorry for it [n]. 1640.
Nevertheleſs, he publiſhed the following declaration to juſtify his conduct.

Clarendon, t. i. p. 118.

" His majeſty's declaration to all his loving ſubjects, of the " cauſes which moved him to diſſolve the laſt parliament."

" THE king's moſt excellent majeſty well knoweth, that " the calling, adjourning, proroguing and diſſolving of " parliaments, are undoubted prerogatives inſeparably an- " nexed to his imperial crown; of which he is not bound to " render any account, but to God alone, no more than of " his other regal actions.

Nalſon, t. i. p. 345. Ruſhworth, iii. p. 1160.

" Nevertheleſs, his majeſty, (whoſe piety and goodneſs " have made him ever ſo order and govern all things, that " the clearneſs and candour of his royal heart may appear to " all his ſubjects, eſpecially in thoſe great and public matters " of ſtate, that have relation to the weale and ſafety of his " people, and the honour of his royal perſon and govern- " ment) hath thought fit (for avoiding and preventing all " ſiniſter conſtructions and miſinterpretation, which the ma- " lice of ſome ill-affected perſons to his crown and ſovereignty, " hath or may practiſe, to infuſe into the minds and ears of " his good and faithful ſubjects) to ſet down by way of de- " claration, the true cauſes, as well of his aſſembling, as of " his diſſolving the late parliament.

" It is not unknown to moſt of his majeſty's loving ſub- " jects, what diſcouragements he hath formerly had, by the " undutiful and ſeditious carriage of divers of the lower " houſe, in preceding aſſemblies of parliaments, enough to " have made him averſe to thoſe antient and accuſtomed " ways of calling his people together; when inſtead of duti- " ful expreſſions towards his perſon and government, they " vented their own malice and diſaffections to the ſtate, and

[n] He conſulted, the ſame day, or the next, whether he might by his proclamation, recall them to ſit again. Clarendon, tom. i. p. 111. Though the lord Clarendon lays the blame upon ſir Henry Vane, yet Whitelock ſays, it was chiefly by Laud's, and the ſecret council's advice, that the parliament was diſſolved. Whitelock's Memoirs, p. 32. Dugdale ſays, the queen was the cauſe of it. View of the Troubles, p. 61. The lord Clarendon ſays, There could not a greater damp have ſeiz'd upon the ſpirits of the whole nation than this diſſolution caus'd, and men had much of the miſery in view, which ſhortly after fell out. It could never be hop'd that more ſober and diſpaſſionate men would ever meet together in that place, or fewer, who brought ill purpoſes with them: nor could any man imagine what offence they had given which put the king upon that reſolution. Vol. i. p. 140. fol.

" by

Charles I. 1640. " by their ſubtle and malignant courſes, endeavoured nothing more than to bring into contempt and diſorder all government and magiſtracy.

" Yet his majeſty well conſidering, that but few were guilty of that ſeditious and undutiful behaviour, and hoping that time and experience had made his loving ſubjects ſenſible of the diſtemper the whole kingdom was like to be put into, by the ill-governed actions of thoſe men; and his majeſty being over-deſirous to tread in the ſteps of his moſt noble progenitors, was pleaſed to iſſue forth his writs under the great ſeal of England for a parliament, to be holden the 13th day of April laſt. At which day his majeſty, by the lord-keeper of his great ſeal, was graciouſly pleaſed to let both houſes of parliament know how deſirous he was, That all his people would unite their hearts and affections in the execution of thoſe counſels that might tend to the honour of his majeſty, the ſafety of his kingdoms, and the good and preſervation of all his people. And withal, how confident he was, that they would not be failing in their duties and affections to him and to the public.

" He had lain open to them the manifeſt and apparent miſchiefs threatned to this and all his other kingdoms, by the mutinous and rebellious behaviour of divers of the Scotiſh nation, who had by their examples drawn many of his ſubjects there into a courſe of diſloyalty and diſobedience, not fit for his majeſty in honour, ſafety, or wiſdom to endure.

" How (to ſtrengthen themſelves in their diſloyal courſes) they had addreſt themſelves to foreign ſtates, and treated with them to deliver themſelves up to their protection and defence, as was made apparent under the hands of the prime ringleaders of that rebellious faction.

" Theſe courſes of theirs tending ſo much to the ruin and overthrow of this famous monarchy, united by the deſcent of the crown of England upon his majeſty and his father of bleſſed memory: his majeſty (in his great wiſdom, and in diſcharge of the truſt repoſed in him by God, and by the fundamental laws of both kingdoms, for the protection and government of them) reſolved to ſuppreſs, and thereby to vindicate that ſovereign power intruſted to him.

" He had by the laſt ſummer's tryal found, that his grace and goodneſs was abuſed, and that, contrary to his expectation and their faithful promiſes, they had (ſince his being at Berwick, and the pacification there made) purſued their

" former

" former rebellious deſigns: and therefore it was neceſſary Charles I.
" now for his majeſty by power to reduce them, to the juſt 1640.
" and modeſt condition of their obedience and ſubjection,
" which whenever they ſhould be brought unto, or ſeeing
" their own errors, ſhould put themſelves into a way of hu-
" mility and obedience becoming them, his majeſty ſhould
" need no other mediator for clemency and mercy to them,
" than his own piety and goodneſs, and the tender affection
" he hath ever born to that his native kingdom.

" This being of ſo great weight and conſequence to the
" whole kingdom, and the charge of an army fit to maſter
" ſuch a buſineſs amounting to ſuch a ſum as his majeſty hath
" no means to raiſe, having not only emptied his own cof-
" fers, but iſſued between three and four thouſand pounds,
" which he borrowed of his ſervants upon ſecurity of his own
" eſtate, to provide ſuch things as were neceſſary to begin
" ſuch an action with; his majeſty, after the example of his
" predeceſſors, reſorted to his people in their repreſentative
" body the parliament, whom he deſired (with all the ex-
" preſſions of grace and goodneſs which could poſſibly come
" from him) that taking into ſerious and dutiful conſidera-
" tion the nature of theſe bleeding evils, and how dangerous
" it was to loſe the leaſt minute of time, leſt thereby thoſe of
" Scotland ſhould gain the opportunity to frame their par-
" ties with foreign ſtates; and that they would for a while
" lay aſide all other debates, and paſs an act for the ſpeedy
" payment of ſo many ſubſidies, as might enable his majeſty
" to put in readineſs for this ſummer's expedition thoſe things
" which were to be prepared before ſo great an army could
" be brought into the field.

" For further ſupply neceſſary for ſo great undertaking, his
" majeſty declared, that he expected it not till there might be
" a happy concluſion of that ſeſſion, and till their juſt griev-
" ances might be firſt graciouſly heard and relieved.

" Wherein as his majeſty would moſt willingly have given
" them the precedence before matter of ſupply, if the great
" neceſſity of his occaſions could have permitted; ſo he was
" graciouſly pleaſed for their full aſſurance and ſatisfaction
" therein, to give them his royal word, that without deter-
" mining the ſeſſion (upon granting of the ſubſidies) he would
" give them, before they parted, as much time as the ſeaſon
" of the year, and the great affair in hand would permit, for
" conſidering all ſuch petitions as they conceived to be good
" for the commonwealth, and what they would not now
" finiſh, they ſhould have full time to perfect towards win-

" ter:

Charles I. 1640. "ter: his majeſty graciouſly aſſuring them, that he would "go along with them for their advantage, through all the "expreſſions of a gracious and pious king, to the end there "might be ſuch a happy concluſion of that, as might be the "cauſe of many more meetings with them in parliament.

"From their firſt aſſembling until the 21ſt of April, the "houſe of commons did nothing that could give his majeſty "any content or confidence in their ſpeedy ſupplying of him: "whereupon he commanded both the houſes to attend him "in the banquetting-houſe as Whitehall in the afternoon of "the 21ſt of April, where (by the lord-keeper) his majeſty "put them in mind of the end for which they were aſſembled, "which was for his majeſty's ſupplies; that if it were not "ſpeedy, it would be of no uſe to him, part of the army then "marching at the charge of above a hundred thouſand "pounds a month; which would all be loſt if his majeſty "were not preſently ſupplied, ſo as it was not poſſible to be "longer forborn.

"Yet his majeſty then expreſt, that the ſupply he for the "preſent deſired, was only to enable him to go on with his "deſigns for three or four months, and that he expected no "further ſupply till all their juſt grievances were relieved.

"And becauſe his majeſty had taken notice of ſome miſ-"apprehenſions about the levying of ſhip-money, his majeſty "commanded the lord-keeper to let them know that he never "had any intention to make any revenue of it, nor had "ever made any, but that all the money collected had been "paid to the treaſurer of the navy, and by him expended, "beſides great ſums of money every year out of his majeſty's "own purſe.

"That his majeſty had once reſolved this year to have le-"vied none, but that he was forced to alter his reſolution, in "in regard he was of neceſſity to ſend an army for reducing "thoſe of Scotland, during which time it was requiſite the "ſeas ſhould be well guarded.

"And beſides, his majeſty had knowledge of the great "fleets prepared by all neighbouring princes this year, and of "the inſolencies committed by thoſe of Algiers, with the "ſtore of ſhips they had in readineſs.

"And therefore though his majeſty for this preſent year "could not forbear it, but expected their concurrence in the "levying of it, yet for the future, to give all his ſubjects aſ-"ſurance how juſt and royal his intentions were, and that all "his aim was, but to live like their king, able to defend "himſelf and them; to be uſeful to his friends, and conſi-

"derable

" derable to his enemies; to maintain the ſovereignty of the Charles I.
" ſeas, and ſo make the kingdom flouriſh in trade and com- 1640.
" merce: he was graciouſly pleaſed to let them know, that
" the ordinary revenue now taken by the crown, could not
" ſerve the turn: and therefore that it muſt be by ſhip-money,
" or ſome other way, wherein he was willing to leave it to
" their conſiderations what better courſe to find out, and to
" ſettle it how they would (ſo the thing were done) which ſo
" much imported the honour and ſafety of the kingdom.

" And his majeſty, for his part, would moſt readily and
" chearfully grant any thing they could deſire, for ſecuring
" them in the property of their goods and eſtates, and in the
" liberty of their perſons. His majeſty telling them, it was
" in their power to make this as happy a parliament as ever
" was, and to be the cauſe of the king's delighting to meet
" with his people, and his people with him.

" That there was no ſuch way to effect this, as by putting
" obligations of truſt and confidence upon him, which as it
" was the way of good manners with a king, ſo it was a
" ſurer and ſafer courſe for themſelves, than any their own
" jealouſies and fears could invent; his majeſty being a prince
" that deſerved their truſt, and could not loſe the honour of
" it; and a prince of ſuch a gracious nature, that diſdained
" his people ſhould overcome him by kindneſs.

" He had made this good to ſome other ſubjects of his, and
" if they followed his counſel, they ſhould be ſure not to re-
" pent it, being the people that were neareſt and deareſt unto
" him, and ſubjects whom he did and had reaſon to value
" more than the ſubjects of any his other kingdoms.

" His majeſty having thus graciouſly expreſſed himſelf unto
" them, he expected the houſe of commons would have the
" next day taken into conſideration the matter of ſupply,
" and laid aſide all other debates, till that was reſolved of,
" according to his deſire.

" But inſtead of giving an anſwer therein, ſuch as the preſ-
" ſing and urgent occaſions required, they fell into diſcourſes
" and debates about their pretended grievances, and raiſed
" up ſo many and of ſo ſeveral natures, that in a parliamen-
" tary way they could not but ſpend more time than his ma-
" jeſty's great and weighty affairs could poſſibly afford.

" His majeſty foreſeeing in his great wiſdom, that they
" were not in the way to make this a happy parliament,
" (which he ſo much deſired and hoped) that nothing might
" be wanting on his part to bring them into the right way,
" for his honour, the ſafety of the kingdom, and their own

" good,

Charles I. 1640. "good, he reſolved to deſire the aſſiſtance of the lords of the "higher-houſe, as perſons in rank and degree neareſt to the "royal throne; and who having received honour from him "and his royal progenitors, he doubted not would, for thoſe "and many other reaſons, be moved in honour and dutiful "affection to his perſon and crown, to diſpoſe the houſe of "commons to expreſs their duties to his majeſty, in expedit-"ing the matter of ſupply for which they were called toge-"ther, and which required ſo preſent a diſpatch.

"For this purpoſe, his majeſty in his royal perſon came "again to the lords houſe on Wedneſday the 24th day of "April, where himſelf declared to the lords the cauſe of his "coming, which was to put them in mind of what had "been by the lord-keeper in his name delivered to both the "houſes the firſt day of the parliament, and after at White-"hall: how contrary to his expectation, the houſe of com-"mons having held conſultation of matter of religion, pro-"perty of goods, and liberty of parliament, and voted ſome "things concerning thoſe three heads, had thereby given "them the precedence before the matter of his ſupply. That "his neceſſities were ſuch, they could not bear delay; that "whatever he had by the lord-keeper promiſed he would per-"form, if the houſe of commons would truſt him.

"For religion, that his heart and conſcience went toge-"ther with the religion eſtabliſhed in the church of Eng-"land: and he would give order to his archbiſhops and bi-"ſhops, that no innovation in matter of religion ſhould "creep in.

"For the ſhip-money, that he never made, nor intended "to make any profit to himſelf of it, but only to preſerve "the dominion of the ſeas; which was ſo neceſſary, that "without it the kingdom could not ſubſiſt. But for the "way and means by ſhip-money or otherwiſe, he left it to "them.

"For property of goods and liberty of parliament, he ever "intended his people ſhould enjoy them; holding no king "ſo great, as he that was king of a rich and free people; and "if they had not property of goods and liberty of perſons, "they would be neither rich nor free.

"That, if the houſe of commons would not firſt truſt him, "all his affairs would be diſordered, and his buſineſs loſt. "That though they truſted him in part at firſt, yet before "the parliament ended he muſt totally truſt them; and in "concluſion, they muſt for execution of all things wholly "truſt him.

"There-

" Therefore ſince the matter was no more, than who Charles I.
" ſhould be firſt truſted; and that the truſt of him firſt, was 1640.
" but a truſt in part, his majeſty deſired the lords to take in-
" to their conſiderations his and their own honour, the ſafety
" and welfare of this kingdom, with the danger it was in,
" and that they would by their advice diſpoſe the houſe of
" commons to give his ſupply the precedence before the
" grievances.

" His majeſty being departed, the lords took into ſerious
" conſideration what his majeſty had commended to their
" care, and forthwith laying aſide all other debates, their
" lordſhips delivered their votes in theſe words: " We are
" of opinion, that the matter of his majeſty's ſupply ſhould
" have precedence, and be reſolved of, before any other mat-
" ter whatſoever. And we think fit, there ſhall be a con-
" ference deſired with the houſe of commons, to diſpoſe them
" thereunto."

" Accordingly, the next day being Saturday, the 25th day
" of April, a conference was had in the painted-chamber by
" a committee of both houſes, where the lord-keeper (by
" the lords command) told the houſe of commons of his ma-
" jeſty's being the day before in perſon in the higher-houſe,
" how graciouſly he had expreſt himſelf in matters of reli-
" gion, property of goods, and liberty of parliament; and
" that he would therein graciouſly hear and relieve them,
" and give them what in reaſon could be deſired, with the
" effect of what elſe had been graciouſly delivered unto them
" by his majeſty; as well touching his conſtant zeal and af-
" fection to the religion eſtabliſhed in the church of England,
" as touching the ſhip-money.

" By all the proceedings herein declared, it is evident to
" all men, how willing and deſirous his majeſty hath been
" to make uſe of the antient and noble way of parliaments
" uſed and inſtituted by his royal predeceſſors, for the pre-
" ſervation and honour of this famous monarchy: and that
" on his majeſty's part nothing was wanting, that could be
" expected from a king, whereby this parliament might have
" had a happy concluſion, for the comfort and content of
" his majeſty's ſubjects, and for the good and ſafety of this
" kingdom.

" On the contrary it is apparent, how thoſe of the houſe
" of commons (whoſe ſiniſter and malicious courſes enforced
" his majeſty to diſſolve this parliament) have vitiated and
" abuſed that antient and noble way of parliament, pervert-

" ing

Charles I. 1640.

" ing the ſame to their own unworthy ends, and forgetting " the true uſe and inſtitution of parliaments.

" For whereas, theſe meetings and aſſemblies of his ma- " jeſty, with the peers and commons of this realm, were in " their firſt original, and in the practice of all ſucceeding " ages, ordained and held as pledges and teſtimonies of affec- " tion between the king and his people; the king for his " part graciouſly hearing and redreſſing ſuch grievances, as " his people in humble and dutiful manner ſhould repreſent " unto him; and the ſubjects on their part (as teſtimonies " of their duty) ſupplying his majeſty upon all extraordinary " occaſions, for ſupport of his honour and ſovereignty, and " for preſerving the kingdom in glory and ſafety.

" Thoſe ill-affected members of the houſe of commons, " inſtead of an humble and dutiful way of preſenting their " grievances to his majeſty, have taken upon them to be the " guiders and directors in all matters that concern his ma- " jeſty's government, both temporal and eccleſiaſtical: and " (as if kings were bound to give an account of their regal " actions, and of their manner of government to their ſub- " jects aſſembled in parliament) they have, in a very auda- " cious and inſolent way, entered into examination and cen- " ſuring of the preſent government, traduced his majeſty's ad- " miniſtration of juſtice, rendered, as much as in them lay, " odious to the reſt of his majeſty's ſubjects, not only the offi- " cers and miniſters of ſtate, but even his majeſty's very go- " vernment, which hath been ſo juſt and gracious, that never " did this, or any other nation, enjoy more bleſſings and hap- " pineſs, than hath been by all his majeſty's ſubjects enjoyed " ever ſince his majeſty's acceſs to the crown: nor did this " kingdom ever ſo flouriſh in trade and commerce, as at this " preſent, or partake of more peace and plenty in all kinds " whatſoever.

" And whereas, the ordinary revenues of the crown not " ſufficing to defray extraordinary charges, it hath ever been " the uſage in all parliaments, to aid and aſſiſt the kings of " this realm with free and fitting ſupply towards the main- " tenance of their wars, and for making good their royal un- " dertakings; whereby the kingdom, intruſted to their pro- " tection, might be held up in ſplendour and greatneſs.

" Theſe ill-affected perſons of the houſe of commons, have " been ſo far from treading in the ſteps of their anceſtors, by " their dutiful expreſſions in this kind, that contrarily they " have introduced a way of bargaining and contracting with " the king; as if nothing ought to be given him by them,

" but

" but what he ſhould buy or purchaſe of them, either by quit- Charles I.
" ting ſomewhat of his royal prerogative, or by diminiſhing 1640.
" and leſſening his revenues; which courſes of theirs, how
" repugnant they are to the duty of ſubjects, how unfit for
" his majeſty in honour to permit and ſuffer, and what ha-
" zard and diſhonour they ſubject this kingdom to, all men
" may eaſily judge, that will but equally and impartially
" weigh them.

" His majeſty hath been by this means reduced to ſuch
" ſtraits and extremities, that were not his care of the pub-
" lic good and ſafety the greater, theſe men (as much as in
" them lies) would quickly bring ruin and confuſion to the
" ſtate, and render contemptible this glorious monarchy.

" But this frowardneſs and undutiful behaviour of theirs,
" cannot leſſen his majeſty's care of preſerving the kingdoms
" entruſted to his protection and government, nor his gra-
" cious and tender affection to his people, for whoſe good
" and comfort his majeſty, by God's gracious aſſiſtance, will
" ſo provide, that all his loving ſubjects may ſtill enjoy the
" happineſs of living under the bleſſed ſhade and protection
" of his royal ſcepter.

" In the mean time, to the end all his majeſty's loving ſub-
" jects may know how graciouſly his majeſty is inclined to
" hear and redreſs all the juſt grievances of his people, as
" well out of parliament as in parliament; his majeſty doth
" hereby further declare his royal will and pleaſure, that all
" his loving ſubjects, who have any juſt cauſe to preſent, or
" complain of any grievances or oppreſſions, may freely ad-
" dreſs themſelves by their humble petitions to his ſacred ma-
" jeſty, who will graciouſly hear their complaints, and give
" ſuch fitting redreſs therein, that all his people ſhall have
" juſt cauſe to acknowledge his grace and goodneſs towards
" them; and to be fully ſatisfied, that no perſons or aſſem-
" blies can more prevail with his majeſty, than the piety and
" juſtice of his own royal nature, and the tender affection
" he doth and ſhall ever bear to all his people and loving
" ſubjects."

After the reading of this declaration, the inſerting it here at length will perhaps be thought needleſs, ſince it contains nothing but what was related before. However, it is of uſe to ſhow, that the king and his adverſaries agreed as to facts, and diſputed only upon the conſequences and point of right.

Though the parliament was diſſolved, the king, however, continued the convocation, under the title of a ſynod. Since the time of the reformation, it had been always cuſtomary to

Charles I. 1640. assemble the clergy, at the same time with the parliament, and this assembly of the clergy was called the convocation, and always begun and ended with the parliament. The king not thinking himself bound to a strict observance of this custom, dissolved the parliament, and continued the convocation, contrary to the opinion of several [o], who believed that he thereby exceeded his power. But the judges of the realm determined, that notwithstanding the dissolution of the parliament, the convocation subsisted, unless dissolved by the king's writ [p]. The convocation therefore continued a month longer, and in that time did two things which gave occasion of great complaints in the ensuing parliament. First, they made certain canons, whereby all clergymen and graduates in the universities were enjoined to take the following oath [q].

The king continues the convocation. Clarendon, t. i. p. 116. Rushworth, iii. p. 1172. Nalson, t. i. p. 364. Nalson, t. i. p. 372, 542, &c.

Oath appointed by the convocation. Id. p. 374. Rushworth, iii. p. 1186. Annals, p. 845.

"I A. B. do swear, That I approve the doctrine and discipline, or government established in the church of England, as containing all things necessary to salvation: and that I will not endeavour, by myself or any other, directly or indirectly, to bring in any popish-doctrine, contrary to that which is so established: nor will I ever give my consent to alter the government of this church, by archbishops, bishops, deans, and archdeacons, &c. as it now stands established, and as by right it ought to stand; nor yet ever to subject it to the usurpations and superstitions of the see of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly upon the faith of a christian. So help me God in Jesus Christ."

[o] Dr. Brownrigg, Dr Hacket, and other members of this convocation, (in all thirty-six) protested against the continuance of its Session. Fuller, B. XI. p. 169.

[p] This was the opinion of the lord-keeper Finch, the earl of Manchester, Sir John Bramston, Sir Edward Littleton, Sir Robert Heath, Sir Ralph Whitfield, and Sir John Banks. However, the king [illegible] a new commission to continue the sitting of the convocation, which lasted till May 29. Nalson, Tom. I. p. [illegible] &c. Rushworth, Tom. [illegible] Whitelock.

[q] The canons, seventeen in all, with the oath, were voted, nemine contradicente, except Godfrey Goodman, Bishop of Glocester, who did not relish the oath. Wherefore he was suspended; but afterwards he submitted, took the oath, and in a letter to archbishop Laud says, he was incouraged to dissent by bishop Montague, though at that instant he could have proved that Montague did visit, and hold correspondence, with the pope's agent, &c. Rushworth, Tom. III. p. 1187. Nalson, Tom. I. p. 371.

This

This oath was thought very ſtrange for ſeveral reaſons. Charles I, 1640.
1. It was not liked that the clergy ſhould take upon them to enjoin oaths, which, according to the general opinion, belonged to the Parliament only. 2. The et cætera after the word archdeacons, offended many, becauſe thoſe that ſwore could not tell what they were to underſtand by this abbreviation. 3. The preſcribing ſuch an oath was affirmed to be a confinement and tying down of the civil legiſlature, ſince thereby the government was deprived of the liberty of making any alteration in the diſcipline of the church, which nevertheleſs might be altered without any danger to ſalvation. 4. 'Twas objected, that the perſon was to declare, "he took the oath moſt willingly," though he was conſtrained thereto under very ſevere penalties.

Objections againſt the oath. Nalſon, t. i. p. 396, 398. Kuſhworth, iii. p. 120, &c. Annals.

The ſecond thing the convocation did before they broke up was the granting the king, for the Scotch war, a ſubſidy of four ſhillings in the pound for ſix years [r]. This proceeding, which tended to diminiſh the parliament's power, was no leſs diſliked than the former. It is true, that to juſtify it, a precedent was alledged; for it muſt be obſerved, that in this Reign, examples or precedents in favour of the crown, were looked upon as ſo many laws. The clergy, it ſeems, in the year 1585, after having granted Elizabeth a ſubſidy approved by the parliament, made of themſelves an addition of two ſhillings in the pound, which the queen accepted without conſulting the Parliament. But, beſides that this was a ſingle precedent, there was a great difference between the time of Elizabeth, and that of Charles I. In Elizabeth's days, every one was pleaſed with the government. It was believed the queen was not capable of making an ill uſe of theſe uncommon favours, but employed the money given her ſolely for the good of the kingdom. It was not the ſame in the time of Charles I. The king was not truſted at all; it was known by experience, that he would draw from the leaſt precedent, conſequences deſtructive of the liberties of parliaments, and in fine, the number of the male-contents was infinite: nay, the king ſeemed to do all that lay in his power to increaſe it, or at leaſt not to regard it. And what ſtill more inflamed the people's diſcontent, was the ſeeing the popiſh recuſants not only tolerated, but moreover protected, countenanced, and conſidered as the beſt ſubjects. They re-

The Clergy give the king a ſubſidy. Nalſon, t. i. p. 362, 365. Whitelock. Heylin, Obſerv. p. 197.

The people are diſcontented.

[r] The convocation voted ſix ſubſidies, payable in ſix years. Their ſubſidies were rated according to the valuation of the livings in the king's books. Nalſon, Tom. I. p. 366. A ſubſidy of four ſhillings in the pound, amounted to above twenty thouſand pounds. So the whole ſix came to 120,000l.

Charles I. 1640. forted publickly to maſs to Somerſet-houſe, and returned from thence in great multitudes, as if their churches had been allowed by authority. A publick agent from Rome reſided at London, count Rozetti by name, who openly went to court in great pomp, and whoſe houſe was the general rendezvous of the catholicks. The queen had prevailed with the king to receive this agent as a ſort of nuntio, and by that, as well as by the avowed protection ſhe afforded thoſe of her Religion, ſhe ſo drew upon herſelf the people's hatred, that they were even wanting in that outward reſpect they ought to have paid her.

The papiſts are countenanced. Clarendon, t. i. p. 116, 117.

All theſe diſcontents were fomented by the Scots, who ſeeing themſelves upon the point of being attacked, were extremely diligent by means of their emiſſaries, to incenſe the people againſt the king. In juſtifying their own conduct, they forgot not to inſinuate to the Engliſh, that the tyranny which was intended to be eſtabliſhed in Scotland, was in order to introduce the like into England. And that if the king laboured to ſupport the hierarchy erected in the kirk of Scotland by his father and himſelf, it was not ſo much for the ſake of epiſcopal government, as in order to eſtabliſh in that kingdom an arbitrary power, which would be one day fatal to the Engliſh. Nay, that there was great danger, that after the accompliſhment of his deſigns, he would reſtore popery in his kingdoms, ſince he could refuſe nothing to the queen, to Laud, and the other enemies of the proteſtant religion. The king himſelf by his conduct rendered theſe inſinuations ſo plauſible, that beſides the preſbyterians, who were very numerous, there were many church of England men, who could not forbear dreading that the king's zeal for the church was only to engage them to be ſubſervient to his more hidden deſigns. Be this as it will, the kingdom was full of ſuſpicions, fears, jealouſies, diviſions, ſo that if the king had been well-informed, he might eaſily have ſeen there were but very few that ſerved him willingly and chearfully, in the war he was going to wage with Scotland. This he had cauſe to know preſently after.

The Scots incite the Engliſh againſt the king. Nalſon, t. i. p. 395.

The king being engaged in a war with Scotland, without having received any ſupply from the parliament, was in great ſtraits. He even foreſaw, that it would not be poſſible for him to maintain his army, unleſs he had recourſe to extraordinary methods to raiſe money. Accordingly, he made uſe of the following expedients, to ſupply in part what he had expected from the parliament. 1. He ordered that the counties

The king uſes ſundry ways to raiſe money Nalſon, t. i. p. 377, 389.

ties ſhould advance coat and conduct money for their reſpective troops [s]. 2. He bought upon credit of the Eaſt-India merchants all their pepper, and ſold it again for ready money. 3. He took forty thouſand pounds worth of the bullion, which the merchants had brought into the mint to be coined, which ſum was afterwards punctually repaid [t]. 4. He would have borrowed two hundred thouſand pounds of the city of London, but had the mortification to meet with a denial. He was ſo diſpleaſed at it, that he reſolved to be revenged in this manner. The city, having ſome time before ſettled a colony at Londonderry in Ireland, had obtained a patent from the king for certain lands in that country. The Londoners had no ſooner refuſed to lend the king money, but the lord-mayor and the ſheriffs were cited before the ſtar-chamber, to anſwer to the charge of having abuſed the patent, by uſurping more lands than the king had granted to the city. Upon this charge, whether well or ill-grounded, the Londoners were condemned to forfeit their rights, and grievouſly fined. but upon payment of the fine their patent was reſtored [u]. They had but too many oportunities afterwards to be revenged of the king in their turn. On the other hand, the writ to levy ſhip-money having been ſent to the city of London, as well as to all the other towns in the kingdom, it appeared that the lord-mayor and city council had neglected to levy this tax, or at leaſt, they had not diſtrained any one perſon for non-payment, according to the tenor of the writ. For this reaſon, the council ſent the following order to the Attorney-General.

Charles I. 1640.

Ib. p. 391. Ruſhworth, iii. p. 12, 16. Ruſhworth, iii. p. 1181.

Annals p. 846.

Nalſon, t. i. p. 391. Ruſhworth, iii. p. 1181, 1182, 1203.

[s] Theſe troops were preſſed out of the militia of each county. Their allowance was eight pence a day; and their whole number amounted to 16,800. There were forces raiſed in the ſame manner to go by ſea. What number of theſe were furniſhed by each county, ſee in Nalſon, Tom. I. p. 381, 385. London found 1200. Eſſex and Kent 700 a piece, &c. In all 10,000. The firſt were to be at the rendezvous the 10th of May, and the latter the 25th or 27th.

[t] The bullion of the mint was ordered to be ſeized; but the merchants repreſenting to his majeſty and council the great prejudice it would be to his majeſty's honour, reputation and intereſt, both at home and abroad, the deſign was laid aſide, and 40,000 l. taken up of the merchants concerned in the Mint, upon credit of the cuſtoms. There was likewiſe a deſign to debaſe the coin, but it was laid aſide by the remarks of Sir Thomas Rowe, in a ſpeech at the council-table. Nalſon, Tom. I. p. 391.——Theſe ſeveral methods, and particularly a voluntary loan of ſome lords of the council, and other gentlemen, brought the king in 300,000l. Clarendon, Tom. I. p. 111.

[u] They offered, by way of compoſition, to build for the king, a ſtately palace in St. James's park, and to pull down Whitehall, and make a ſtately way by the Thames ſide, ſtrait from Charing-croſs to Weſtminſter-hall. Whitelock, p. 45.



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Charles I. 1640.

At Whitehall, July 5, 1640. Preſent, &c.

An order from the council againſt the city of London. Ruſhworth, iii. p. 1203.

"WHEREAS the lord-mayor of London and the two "ſheriffs did this day appear before his majeſty and "the board, to give an account of their proceedings upon "the writ for the ſhip-buſineſs this preſent year: forasmuch "as it did appear, that beſides all former neglects in the ex-"ecution of that writ, his majeſty having reſpited the infor-"mation againſt them for the ſame; yet they have not ſince "diſtrained any one perſon according to the ſaid writ. It "was this day ordered by his majeſty, with the advice of "the board, that his majeſty's attorney-general ſhall forth-"with prefer an information in the ſtar-chamber againſt the "lord-mayor, and ſheriffs of London and Middleſex, for "their contempt and default in the execution of the ſaid "writ; and ſhall forthwith proceed againſt them, de die in "diem, until the cauſe be ready for hearing: and if upon "examination of the ſaid cauſe, his majeſty's attorney-gene-"ral ſhall find ſufficient cauſe againſt any of the aldermen, "that then he do prefer one other information againſt the "ſaid aldermen; and in like manner do proceed againſt them "apart."

Thus the king, inſtead of relinquiſhing this odious tax, continued to exact it with great rigour, though his affairs were then at a criſis, which ſhould have inſpired him with a dread, that in caſe the ſucceſs of the Scotch war did not anſwer his expectations, he ſhould be little able to ſupport himſelf. But in all appearance, he thought himſelf ſecure of victory.

The Engliſh routed in defending the paſs of the Tine. Auguſt 23. Nalſon, t. i. p. 400. 425.

Part of the army deſigned againſt Scotland was now upon the frontiers, under the command of the lord Conway, general of the horſe, whilſt the reſt lay incamped near York. The earl of Northumberland, who was to command under the king, remained ſick at London, and the earl of Strafford, who was lieutenant-general, had not been able to depart ſoon enough, becauſe he was a very neceſſary member of the king's ſecret council. The lord Conway being advanced as far as Newcaſtle, with three thouſand foot and fifteen hundred horſe, was informed that Leſley, general of the Scots [w] was preparing to march at the head of two and twenty thouſand

[w] To maintain their army, the Scots impoſed a tax of the tenth penny upon all the rents of Scotland. Nalſon, Tom. I. p. 408.

men,

men, in order to enter England. And indeed, he passed the Tweed the 20th of August, the very day the king departed from London for York, where he arrived on the 23d. Lesley pursuing his march came the 27th to Newburn, on the north-side of the Tine, four miles from Newcastle. At his arrival, he found the lord Conway posted with his troops on the south-side of the river, where he had raised breast-works over against the two fords, to oppose his passage. It is needless to give a particular account of this action. It suffices to say, the Scots forced the passage of the Tine, after a fight very faintly maintained by the English. The lord Conway was seized with so great terror, that he left Newcastle the next day and retreated to Durham, where not thinking himself yet safe, he went and joined the king's army, which was advanced to Northampton. The king's troops had no sooner quitted Newcastle, but the Scots entered, and found there the artillery and stores ordered thither by the king, who designed that place for the magazine of his army.

Charles I. 1640.

Clarendon, t. i. p. 113, 114. Nalson, t. i. p. 411, 416. Rushworth, iii. p. 1221. August 28. Ib. p. 1237. Annals.

Newcastle taken by the Scots. Nalson, t. i. p. 427.

The entrance of the Scots into England and the taking of Newcastle broke all the king's measures. Though in this first action he had not lost above three or four hundred men, this inconsiderable loss produced however great effects all to the king's disadvantage. 1. The earl of Strafford having spoken a little too roughly to the officers and soldiers, who were returned from the defeat of Newburn, displeased the whole army, and thereby put the vanquished upon magnifying in their own vindication the valour and number of the Scotch troops. This could not but produce a very ill effect in the king's army, which before was not very well-inclined. 2. The English malecontents were more at ease, and spoke more boldly against the government, knowing it was no proper season to silence them. 3. The Scots did not loose this opportunity to show the English, by as moderate a conduct as the juncture could allow, that their design in entering England was not to injure the English, but only to procure access to the king in order to lay their grievances before him. By this means they separated, as much as they could, the king's cause from that of the people of England, which did the king an unspeakable prejudice. 4. The consternation caused by the Newburn defeat, and, on the other hand, the moderation of the Scots, who, notwithstanding the success of their arms, affected to desire only an accommodation, inclined the whole nation to peace. None but the court-party used their utmost endeavours, though in vain, to inspire the English with a desire of revenge. 5. As in the king's present circum-

Great alteration in the king's affairs. Rushworth, iii. p. 1240. Annals. Clarendon, t. i. p. 114.

Artificers of the Scots.

Charles I. 1640.

circumſtances, with an army of enemies before him, and numberleſs male-contents in all the reſt of the kingdom, as well as in his own army, it was not poſſible for him to raiſe money by the ſame methods he had till then practiſed, there reſulted a general opinion that a parliament was abſolutely neceſſary. To this it was that the Scots and the Engliſh male-contents deſired to lead him, though againſt his will, knowing it was hardly poſſible that a new parliament ſhould be diſpoſed in his favour.

They juſtify themſelves to the Engliſh. Ruſhworth, iii. p. 1223. Append. p. 283. Nalſon, t. i. p. 412, &c. Annals.

The Scots had in England more correſpondents than the king had till now imagined, but he perceived it not, till his affairs began to decline. They had diſperſed two manifeſtos, of which one was entitled, "Six conſiderations of the lawfulneſs of their expedition into England," and the other, "Intentions of the Scots and their army manifeſted to their brethren of England." In theſe two papers they were extremely careful to ſhew, that the motive of their armament and entry into England was not to invade that kingdom, but only to defend themſelves againſt ſome particular perſons, their ſworn enemies, among whom they named as the principal, the earl of Strafford and the archbiſhop of Canterbury. They ſaid, in their preſent ſituation, their country being blocked up by ſea and land and their trade interrupted, it was not poſſible to wait any longer the coming of their enemies to attack them, without being expoſed to certain ruin. They compared themſelves to a man who, when his houſe is beſet and his enemies ready to aſſault it, ſallies out himſelf and attacks them in hopes of averting by a vigorous effort the impending ruin. They maintained, it was the king that had broke the peace, and having granted that the general aſſembly ſhould regulate the affairs of the kirk and its regulations be ratified in parliament, had without any lawful cauſe prorogued the parliament, before what the general aſſembly had judged neceſſary was confirmed. Nay, he had denied to give audience to the deputies of the parliament, and though he had agreed other deputies ſhould be ſent to him, it was only to amuſe them, ſince the war with Scotland had been already determined in the council, and the parliaments of Ireland and England convened in order for ſupplies. They repreſented the juſtice and equity of the late parliament of England in denying the king money for a war ſo notoriouſly unjuſt. In ſhort, for it would be too tedious to relate all the particulars contained in theſe two papers, their aim was to demonſtrate to the People of England, 1. The juſtice of their cauſe. 2. The inſtances of their enemies to ſurprize them. 3. The neceſſity

neceſſity they were under of taking up arms in their own lawful defence and to prevent their ruin. 4. They ſaid, notwithſtanding their entry into England, the war was defenſive on their part, and 5. That they intended not to offer any injury or violence, or inrich themſelves with the ſpoils of the Engliſh, but only to procure acceſs to his majeſty to preſent their grievances, which was denied them, unleſs they would entirely deliver themſelves to the mercy of their enemies. 6. They called God to witneſs, this was their intention; and the better to gain belief, they made uſe of the ſtrongeſt expreſſions and moſt ſolemn oaths. 7. Laſtly, they forgot not to inſinuate to the Engliſh, that they had the ſame cauſe to maintain, ſince the liberties of England were equally in danger with thoſe of Scotland. Charles I. 1640.

Theſe manifeſtos, which were doubtleſs owing to the counſels of ſome of the Engliſh male-contents, produced ſuch an effect upon the people, the army, and the lords themſelves who were not wholly devoted to the court, that the king might very eaſily ſee how difficult it would be to ſupport the war, and to what danger he would be expoſed, if he hazarded a battle at ſuch a juncture. Nothing was more diſadvantageous to the king, than the extreme deſire expreſſed by the Scots to end the quarrel by an agreement, which ſhewed their aim was not to make war upon the Engliſh, whereas it was the king's intereſt to engage them both in a national quarrel. Wherefore the Scots did not fail to improve the advantage of their moderate conduct. As ſoon as they were maſters of Newcaſtle, they ſent a very humble petition to the king, beſeeching him to give ear to their complaints, and cure their evils by the advice of the parliament of England. The king who was preſſed on all ſides, had already ſummoned the nobility to meet him at York the 24th of September, to give their advice upon the preſent ſituation of his affairs. He therefore told the Scots, that their petition was expreſſed in ſuch general terms, that he could not give them a poſitive anſwer. But if they would ſpeak more plainly, and declare the particulars of their demands, he would give ſuch anſwers as the peers who were to meet at York ſhould think proper. Upon this they ſent their demands to the king the 8th of September, namely:

The Scots ſue for peace. Septemb. 4. Nalſon, t. i. p. 432.

The king ſummons the nobility to York. Septemb. 7. Id. p. 433, 439. Ruſhworth, iii. p. 1256, 1257. Clarendon, t. i. p. 116.

"1. That his majeſty would be graciouſly pleaſed to "command, that the laſt acts of parliament may be publiſhed in his highneſſes name, as our ſovereign lord with "the eſtates of parliament convened by his majeſty's au- "thority.

The Scots demands. Ruſhworth, iii. p. 1258. Nalſon, t. i. p. 433.

"2. That

Charles I. 1640.

" 2. That the caſtles of Edinburgh and other ſtrengths " of the kingdom of Scotland may, according to the firſt " foundation, be furniſhed and uſed for our defence and " ſecurity.

" 3. That our countrymen in his majeſty's dominions of " England and Ireland may be freed from cenſure for ſub- " ſcribing the covenant, and be no more preſſed with oaths " and ſubſcriptions unwarrantable by your laws, and con- " trary to their national oath and convenant approved by " his majeſty.

" 4. That the common incendiaries which have been " the authors of this combuſtion may receive their juſt " cenſure.

" 5. That all our ſhips and goods, with all the damage " thereof, may be reſtored.

" 6. That the wrongs, loſſes, and charges which all this " time we have ſuſtained, may be repaired.

" 7. That the declarations made againſt us as traitors, " may be recalled in the end, by the advice and counſel of " the ſtates of England convened in parliament. His ma- " jeſty may be pleaſed to remove the garriſons from the " borders, and any impediments which may ſtop free " trade."

They gain the good-will of the Londoners. Sept. 9. Nalſon, tom. i. p. 435. Ruſhworth, tom. iii. p. 1259.

It appears by this laſt article, how careful the Scots were to loſe no opportunity to gain the people of England to their intereſt. Of this they alſo gave the following inſtance: as the Londoners had all their coals from Newcaſtle, and could by no means be without that trade, the Scots were no ſooner maſters of Newcaſtle, but they writ to the lord mayor and aldermen of London, " That knowing how neceſſary the " free traffick of coals was for their city, and other places of " England, they had, as a teſtimony of greateſt reſpect " and good-will to the city of London, ſent two noble- " men to declare to the maſters of ſhips, who, poſſeſſed " with needleſs fears, were haſtening out of the river, that " their purpoſe was not to ſtop, but to uſe their beſt means " to continue that trade."

Nalſon, tom. i. p. 436.

This letter anſwered the expectations of the Scots: preſently after it was publicly talked at London of preſenting a petition to the king, to pray him to ſummon a parliament. The privy council, left by the king at London, having ſome notice of this deſign, endeavoured to prevent it by a letter directed to the lord mayor and aldermen: but they could not ſucceed. The petition was reſolved, and ſent to his majeſty at

at York by some of the aldermen and common council, which was as follows: Charles I. 1640.

"Most gracious sovereign,

"BEING moved by the duty and obedience which by the laws your petitioners owe unto your sacred majesty, they humbly present unto your princely and pious wisdom the several pressing grievances following, viz. A petition of the Londoners to the king to call a parliament. Nalson, tom. i. p. 436. Rushworth, tom. iii. p. 1263. Annals.

"1. The pressing and unusual impositions upon merchandize, importing and exporting, and the urging and levying of ship-money, notwithstanding both which, merchants ships and goods have been taken and destroyed both by Turkish and other pyrates.

"2. The multitude of monopolies, patents, and warrants, whereby trade in the city and other parts of the kingdom is much decayed.

"3. The sundry innovations in matter of religion.

"4. The oath and canons lately enjoined by the late convocation, whereby your petitioners are in danger to be deprived of their ministers.

"5. The great concourse of papists, and their inhabitations in London and the suburbs, whereby they have more means and opportunity of plotting and executing their designs against the religion established.

"6. The seldom calling, and sudden dissolutions of parliaments, without the redress of your subjects grievances.

"7. The imprisonment of divers citizens for non-payment of ship-money and impositions, and the prosecution of many others in the Star-chamber, for not conforming themselves to committees in patents of monopolies, whereby trade is restrained.

"8. The great danger your sacred person is exposed unto in the present war, and the various fears that seized upon your petitioners and their families, by reason thereof, which grievances and fears have occasioned so great a stop and distraction in trade, that your petitioners can neither buy, sell, receive, or pay as formerly, and tends to the utter ruin of the inhabitants of the city, the decay of navigation and cloathing, and the manufactures of this kingdom."

"Your humble petitioners conceiving that the said grievances are contrary to the laws of this kingdom, and finding by experience that they are not redressed by the ordinary course of justice, do therefore most humbly beseech your

Charles I. 1640. "your moſt ſacred majeſty to cauſe a parliament to be ſummoned with all convenient ſpeed, whereby they may be relieved in the premiſes.

"And your petitioners," etc.

Within a few days, this petition was followed by another from twelve lords, in behalf of themſelves and divers others.

"Moſt gracious ſovereign,

Petition from twelve lords. | Nalſon, tom. i. p. 437. Ruſhworth, tom. iii. p. 1260. Annals.

"THE ſenſe of that duty and ſervice which we owe unto your ſacred majeſty, and our earneſt affection to the good and welfare of this your realm of England, have moved us in all humility to beſeech your royal majeſty to give us leave to offer unto your moſt princely wiſdom, the apprehenſion which we and other your faithful ſubjects have conceived of the great diſtempers and dangers now threatening the church and ſtate of your royal perſon, and the fitteſt means by which they may be prevented.

"The evils and dangers whereof your majeſty may be pleaſed to take notice are theſe:

"1. That your ſacred majeſty is expoſed to hazard and danger in the preſent expedition againſt the Scotiſh army, and by the occaſion of the war your revenue is much waſted, your ſubjects burthened with coat and conduct-money, billeting of ſoldiers, and other military charges, and divers rapines and diſorders committed in ſeveral parts in this your realm, by the ſoldiers raiſed for that ſervice, and your whole kingdom become full of fear and diſcontent.

"2. The ſundry innovations in matters of religion; the oath and canons lately impoſed upon the clergy, and other your majeſty's ſubjects.

"3. The great increaſe of popery, and employing of popiſh recuſants and others ill affected to the religion by law eſtabliſhed, in places of power and truſt, and eſpecially commanding of men and arms both in the field and other counties in this realm; whereas by the laws they are not permitted to have arms in their own houſes.

"4. The great miſchief which may fall upon this kingdom, if the intentions which have been credibly reported, of bringing in of Iriſh forces ſhall take effect.

"5. The

" 5. The urging of ſhip-money, and proſecution of ſome ſheriffs in the Star-chamber for not levying of it. Charles I. 1640.

" 6. The heavy charges of merchandize, to the diſcouragement of trade, the multitude of monopolies or other patentees, whereby the commodities and manufactures of the kingdom are much burdened, to the great and univerſal grievance of your people.

" 7. The great grief of your ſubjects by the intermiſſion of parliaments, in the late former diſſolving of ſuch as have been called, with the hoped effects which otherwiſe they might have procured.

" For a remedy whereof, and prevention of the danger that may enſue to your royal perſon, and to the whole ſtate, who do in all humility and faithfulneſs beſeech your moſt excellent majeſty, that you would be pleaſed to ſummon a parliament within ſome ſhort and convenient time, whereby the cauſe of theſe, and other great grievances, which your poor petitioners now lie under, may be taken away, and the authors and counſellors of them may be there brought to ſuch legal trial and condign puniſhment as the nature of the offence does require: and that the preſent war may be compoſed by your majeſty's wiſdom without blood-ſhed, in ſuch manner as may conduce to the honour and ſafety of your majeſty's perſon, and content of your people, and continuance of both of your kingdoms againſt the common enemy of the reformed religion [x]."

| | |
|---|---|
| Francis Bedford. | Say and Seal. |
| Ro. Eſſex. | Ed. Howard. |
| William Hartford. | Bullingbrook. |
| Warwick. | Mandevile. |
| Earl of Briſtol. | Brook. |
| Mulgrave. | Pagett. |

Preſently after, the king having called the Yorkſhire gentry together, propoſed to them the payment of the trained-bands for two months. The propoſal being accepted, the gentlemen prepared an addreſs to inform the king of their conſent; but withal they beſought his majeſty to endeavour to compoſe

Petition of the ſame nature by the gentry of Yorkſhire. Sept. 10. Ruſhworth, tom. iii. p. 1264. Nalſon, tom. i. p. 439.

[x] The king's anſwer to this petition was, "That before the receipt thereof, "he well foreſaw the danger that "threatned himſelf and crown, and "therefore reſolved to ſummon all the "peers to his preſence the 24th of "September, and with them to conſult, what in this caſe is fitteſt to be "done for his honour, and the ſafety "of the kingdom, where the petitioners "with the reſt might offer any thing "conducing to theſe ends." Whitelock's Memoirs, p. 36.

the

Charles I. 1640. the differences with the Scots, and to ſummon a parliament. The earl of Strafford being deſired to preſent the addreſs to the king, refuſed it unleſs the clauſe about calling a parliament was left out, alledging he knew the king fully deſigned it. But the gentlemen were unwilling to leave out theſe words, and delivered their addreſs themſelves.

The king reſolves to call a parliament. Clarendon, tom. i. p. 116, 121.

The king perceiving by the petitions which were preſented to him, that it was the nation's fervent deſire a parliament ſhould be called, did not doubt it would be the firſt advice the peers, when aſſembled, would give him. He reſolved therefore to prevent that advice, by ſummoning a parliament to meet on the 3d of November, for fear, if he delayed it any longer, he might be thought to be forced to it. The great council of the peers being aſſembled at York the 24th of September, the king ſpoke to them as follows:

"My lords,

The king's ſpeech to his great council of peers aſſembled at York. Nalſon, tom. i. p. 442. Ruſhworth, tom. iii. p. 1275. Annals.

"UPON ſudden invaſions where the dangers are near and inſtant, it hath been the cuſtom of my predeceſſors to aſſemble the great council of the peers, and by their advice and aſſiſtance to give a timely remedy to ſuch evils, which could not admit a delay ſo long as muſt of neceſſity be allowed for the aſſembling of the parliament.

"This being our condition at this time, and an army of rebels lodged within this kingdom, I thought it moſt fit to conform myſelf to the practice of my predeceſſors in like caſes; that with your advice and aſſiſtance we might juſtly proceed to the chaſtiſement of theſe inſolencies, and ſecuring of my good ſubjects.

"In the firſt place, I muſt let you know that I deſire nothing more than to be rightly underſtood of my people. And to that end I have of myſelf reſolved to call a parliament, having already given order to my lord keeper to iſſue the writs inſtantly, ſo that the parliament may be aſſembled by the 3d of November next; whither if my ſubjects bring thoſe good affections which become them towards me, it ſhall not fail on my part to make it a happy meeting. In the mean time there are two points wherein I ſhall deſire your advice, which indeed were the chief cauſe of your meeting.

"Firſt, what anſwer to give to the petition of the rebels, and in what manner to treat with them. Of which, that you may give a ſure judgment, I have ordered that your lordſhips ſhall be clearly and truly informed of the ſtate

of

" of the whole buſineſs, and upon what reaſons the ad- Charles I.
" vices that my privy council unanimouſly gave me, were 1640.
" grounded.

" The ſecond is, how my army ſhall be kept on foot and " maintained, until the ſupplies of a parliament may be had. " For ſo long as the Scotch army remains in England, I " think no man will counſel me to diſband mine: for that " would be an unſpeakable loſs to all this part of the king- " dom, by ſubjecting them to the greedy appetite of the re- " bels, beſides the unſpeakable diſhonour that would thereby " fall upon this nation."

When the king had thus ſpoken to the lords, he commanded to be read the reaſons which had induced his council to adviſe the levying an army againſt the Scots, and the petition of the Scots preſented to the king ſince their taking of Newcaſtle, as alſo the king's anſwer, and their particular demands. Then the earl of Traquair, by the king's order, explained theſe demands to the peers, and endeavoured to ſhow how ſome of them ſubverted the fundamental laws of the kingdom of Scotland, others the juſt prerogative and dignity of his majeſty, and of which many were to the detriment of the king's profit, and prejudice of divers good ſubjects there. The reſult of the deliberations of the peers was, that certain of themſelves ſhould be ſent as commiſſioners to treat with the Scots, and endeavour to conclude a peace. Purſuant to this reſolution ſixteen peers were choſen for commiſſioners [y], to whom were added by the king as aſſiſtants, the earls of Traquair, Morton, and Lanerick ſecretary of Scotland, ſir Henry Vane, ſir Lewis Steward, and ſir John Burrough. It was farther agreed that the treaty ſhould begin at Rippon [z] the 1ſt of October, and that the earl of Lanerick ſhould ſignify this reſolution to the Scots.

It is reſolved to treat with the Scots. Ruſhworth, tom. iii. p. 1276. Annals.

Commiſſioners appointed. Idem. Nalſon, tom. i. p. 443.

This article being diſpatched, the king deſired the lords to conſider of means to maintain the army during the treaty. It is ſtrange the king ſhould undertake this war without having

Another reſolution to borrow 200,000l. of the Londoners. Ruſhworth, tom. iii. p. 1278, 1292, 1302.

[y] The earls of Hertford, Bedford, Pembroke, Saliſbury, Eſſex, Holland, Warwick, Briſtol, and Berkſhire; the lord viſcount Mandeville; the lords Paget, Wharton, Dunſmore, Brook, Savile, Paulet, and Howard of Eſcrick, were choſen by the king. Clarendon, tom. i. p. 123. Ruſhworth, tom. iii. p. 1276.

[z] York was named firſt, but the Scots refuſed to treat there, " as not " ſecure for their commiſſioners ſo long " as the earl of Strafford commanded " there in chief, who had proclaimed " them traitors in Ireland before the " king had done it in England." This was the firſt public appearance of the Scots enmity againſt Strafford, and it is ſtrange it ſhould not be more regarded. Whitelock, p. 36.

any

Charles I. 1640.

any supply from the parliament, and should be so ill provided for the payment of his army, that within a month after the opening of the campaign, he was unable to maintain it. For my part I cannot devise any other reason of this conduct, except that for the support of this war he had depended upon such means as were no longer in his power to employ. However this be, the earl of Strafford having informed the peers of the number of troops the king had on foot, namely, about four-and-twenty thousand men, declared that the payment of this army amounted to threescore thousand pounds a month, and that to keep the army together for three months, no less would serve than the sum of two hundred thousand pounds. He added, if the army should disband, all Yorkshire would be lost in two days, and the whole kingdom endangered. Whereupon it was resolved, that a letter, subscribed by all the peers present, should be sent to the city of London for lending the two hundred thousand pounds, upon such security as should be agreed on, each of the peers offering to become bound.

Ibid. Nalson, tom. i. p. 445.

The treaty begins at Rippon. Clarendon, tom. i. p. 122, etc. Preliminaries demanded by the Scots. Rushworth, tom. iii. p. 1287. Nalson, tom. i. p. 450.

The Scots having appointed their commissioners to treat with the English, the negotiation began at Rippon the 1st of October [a]. But before the principal point of the treaty was considered, certain preliminary articles were to be settled, which the Scots proposed as absolutely necessary to a happy conclusion. They represented therefore, that their army had stopped at Newcastle by his majesty's express order: that they subsisted by means of the contributions raised upon Cumberland, Newcastle, and Durham; and as the negotiation might last some time, it was necessary before all things to provide for the subsistence of their troops during the treaty. This was the principal article on which they insisted, as a preliminary to the treaty. There were also other articles, which I do not think absolutely necessary to be mentioned, since it will appear presently what was the principal point by the preliminaries that were agreed on. I shall only add, that the Scots would never suffer the earl of Traquair to assist at the treaty, because he was one of those they called incendiaries, against whom they demanded severe justice. After many debates, the commissioners of the two nations agreed at last, the 16th of October, on the following preliminaries.

Rushworth, tom. iii. p. 1286. Annals, p. 856.

Preliminary articles for the maintenance of the Scotch army

"1. That the Scotch army shall have for a competent [illegible], the sum of 850 l. per diem: and that the

[a] [illegible] commissioners were [illegible] glas, Mr. Smith, Mr. Wedderburn, Mr. Henderson, Mr. Johnston. Rushworth, tom. iii. p. 1282.

payment

" payment thereof ſhall continue for two months, in caſe Charles I.
" the treaty ſhall ſo long laſt; which payment to be made 1640.
" weekly upon the Friday of every week.

" 2. The days of the returning of the army to be number- Nalſon, tom. i.
" ed within the days of the allowed maintenance. P. 457.

" 3. That the Scotch army ſhall content themſelves with Ruſhworth, tom. iii.
" the aforeſaid maintenance, and ſhall neither moleſt papiſts, P. 1295.
" prelates, nor their adherents, nor any other perſons of
" whatſoever quality.

" 4. That the inhabitants of the ſaid counties ſhall alſo
" have liberty to return peaceably to their own dwell-
" ings, and ſhall be refuſed no courteſy, it being always
" preſuppoſed, that the fit lodging of their army ſhall be al-
" lowed.

" 5. That the army be furniſhed with coals in a regular
" way, and not at the pleaſure of the ſoldiers.

" 6. That there be a proviſion of forage, at the prices to
" be ſet down in a table, which muſt alſo contain the parti-
" cular prices of all ſorts of victuals, and other neceſſaries
" for the army, to be indifferently agreed upon by perſons
" nominated on both ſides.

" 7. That free trade and commerce between both nations
" be reſtored, and not to be interrupted but upon the warn-
" ing of three months. But no victuals, arms, nor ammu-
" nition to be imported into Newcaſtle, etc.

" 8. That victuals and other neceſſaries for the army be
" free of cuſtom; and that his majeſty's cuſtom of coals and
" other ware be left free to be levied by his own officers.

" 9. That there be a freedom to furniſh neceſſaries for
" both armies, and liberty be granted for milling, brewing,
" etc.

" 10. That the arrears of the contributions due to the
" Scotch army, be completely paid to October 19.

" 11. That there be a ceſſation of arms, according to the
" particulars to be agreed upon.

" 12. As for ſecuring the ſum of 850 l. per diem above
" ſpecified, there is a committee appointed, who have power
" to treat with Northumberland, the biſhopric of Durham,
" Newcaſtle, and (if need require) with Cumberland and
" Weſtmoreland, about the payment of it.

" 13. The lords will, before their going from York, ſettle
" a committee, who ſhall have charge to ſee the contribu-
" tion orderly raiſed and paid; and that there ſhall likewiſe
" be a committee nominated, to whom either the Scotch

Charles I. 1631.

"commiſſioners, or the committees of the country, may "weekly give an account of the carriage of the buſineſs."

The Scots had the addreſs to prolong the ſigning of theſe preliminaries till the 16th of October, after which it ſtill remained to agree on the conditions of the truce. It was therefore almoſt impoſſible to enter into a diſcuſſion of the articles, which were to be the chief ſubject of the treaty, before the 3d of November, the day appointed for the meeting of the parliament. The lords, as well thoſe at Rippon as thoſe at York, being indiſpenſably obliged to repair to London, it would have been needleſs to begin the negotiation at Rippon, where the time would ſcarce have allowed it to be opened. Wherefore the Engliſh commiſſioners, whether of themſelves, or by the ſuggeſtion of the Scots, propoſed to the king the removal of the treaty from Rippon to London; and the king was forced to conſent to it, though he plainly perceived the Scots expected to find many friends at London, and even in the parliament, as indeed was the caſe. One may venture to ſay, that on occaſion of this treaty, the king committed three capital errors. Firſt, in ſummoning the parliament to meet at Weſtminſter, ſince he could not be ignorant how much the city of London was diſſatisfied with the government, and conſequently ready to countenance ſuch reſolutions as the parliament might take againſt it. Whereas, had he ſummoned the parliament to meet at York, or in any other place at a diſtance from London, he would thereby have broken in part the meaſures of the Scots and Engliſh malecontents. He had but too much cauſe afterwards to be ſenſible of this error. The ſecond was, the removal of the treaty to London, where the Scots had their principal correſpondents. The third, in taking ſo ſhort a time for the meeting of the parliament, ſo that he had only the month of October to conclude a peace with the Scots, a ſpace hardly ſufficient to agree with them on the preliminaries and terms of the ceſſation, before the king and peers would be obliged to leave York and go to London. If he had not been in ſuch haſte to fix the meeting of the parliament to the 3d of November, he might have either concluded the treaty with the Scots by granting what he could not have helped, or at leaſt, left them without excuſe, if they had obſtinately perſiſted in any unreaſonable demands. Whereas, not being able to finiſh the negotiation at Rippon, he was forced to remove the conferences to London, a city well-affected to the Scots, and where they could better than any where elſe, take juſt meaſures, either with the chief inhabitants, or with their friends in

The treaty is removed to London. Ruſhworth, tom. iii. p. 1303, 1305. Nalſon, tom. i. p. 461.

The king's errors.

Nalſon, t. i. p. 461.

Clarendon, t. i. p. 129.

in parliament. The king was ſufficiently convinced of theſe errors, when it was too late to retrieve them. Charles I. 1640.

Not to omit any thing, which to me ſeems material in this hiſtory, I thought proper to add here the earl of Briſtol's proceſs at the beginning of king Charles's reign. For, it is not foreign to the purpoſe. On the contrary, this proceſs, with the earl's anſwers may be of great ſervice to clear the latter part of the reign of James I. as to the negotiation of the marriage of prince Charles with the Spaniſh infanta, and the reſtitution of the Palatinate. It may alſo give an idea of the character of Charles I. and the duke of Buckingham. But it could not be inſerted in any other place, without a too great interruption of the thread of the hiſtory.

## Proceedings againſt the Earl of BRISTOL.

THE earl of Briſtol, who had been ambaſſador in Spain, to negotiate prince Charles's marriage with the Spaniſh infanta, was confined at his return to England, without being ſuffered to come into the king's preſence. As long as king James lived, the duke of Buckingham, who was the cauſe of the earl's diſgrace, pretended however to be willing to adjuſt his affair, if he would but anſwer to ſome queſtions or objections before commiſſioners appointed by the king. The earl anſwered thoſe queſtions, but his reconciliation was not advanced by it. On the contrary, he found himſelf much farther from it by the death of king James, and the acceſſion of Charles I. to the crown. The earl of Briſtol finding himſelf on very ill terms, wiſhed to come off if poſſible without injuring his honour. To that end, he applied to the lord Conway ſecretary of ſtate, to deſire him to interçede for him with his majeſty. There paſſed ſome letters between theſe two lords upon that ſubject, and at laſt, during the ſecond parliament of king Charles in 1626, the earl received from the lord Conway, the following letter.

My Lord,

Rushworth t. i. p. 234. &c.

I Received a letter from your lordſhip, dated the fourth of this month, written in anſwer to a former letter, which I directed to your lordſhip by his majeſty's commandment. This laſt letter, according to my duty, I have ſhewed unto his majeſty, who hath peruſed it, and hath commanded me to write back to you again, that he finds himſelf nothing ſatisfied therewith. The queſtion propounded to your lordſhip from his majeſty, was plain and clear, whether you did rather chuſe to ſit ſtill, without being queſtioned for any errors paſt in your negotiation in Spain, and enjoy the benefit of the late gracious pardon granted in parliament, whereof you may have the benefit: or whether, for the clearing of your innocency, (whereof your ſelf, and your friends and followers are ſo confident) you will be content to wave the advantage of that pardon, and put yourſelf into a legal way of examination for the tryal thereof? His majeſty's purpoſe thereby is not to prevent you of any favours the law hath given you; but if your allegations be ſuch as your words and letters im-

import, he conceives it ſtands not with that public and reſolute profeſſion of your integrity to decline your tryal. His majeſty leaves the choice to yourſelf, and requires from you a direct anſwer, without circumlocution, or bargaining with him for future favours beforehand; but if you have a deſire to make uſe of that pardon, which cannot be denied you, nor is any way deſired to be taken from you, his majeſty expects you ſhould at the leaſt forbear to magnify your ſervice, and out of an opinion of your innocency, caſt an aſperſion upon his majeſty's juſtice, in not affording you that preſent fulneſs of liberty and favour, which cannot be drawn from him, but in his good time, and according to his good pleaſure. Charles I.

Thus much I have in commandment to write to your lordſhip, and to require your anſwer clearly and plainly, by this meſſenger ſent on purpoſe for it, and ſo remain,

Your lordſhip's humble ſervant,

Whitehall, 24. March 1626.

Edw. Conway.

The earl of Briſtol's anſwer.

My lord,

I Have received your letter of the 24th of March, the 28th, and I am infinitely grieved to underſtand, that my former anſwer to yours of the 4th of March, hath not ſatisfied his majeſty, which I will endeavour to do this, to the beſt of my underſtanding; and to that end, ſhall anſwer to the particular points of your preſent letter, with the greateſt clearneſs I am able.

Firſt, whereas you ſay in your letter, that the queſtion propounded to me was plain and clear, viz. Whether I would chuſe to ſit ſtill, without being queſtioned for any errors paſt in my negotiation with Spain, and enjoy the benefit of the late gracious pardon, whereof I may take the benefit? Or whether, being content to wave the advantage of that pardon, I ſhall put myſelf into a legal way of examination for the tryal thereof, &c.

Firſt, your lordſhip may be pleaſed to remember, your laſt propoſition was, whether I deſired to reſt in the ſecurity I was in, which you now expreſs, whether I will chuſe to ſit ſtill?

Secondly, your propoſition was, whether I would acknowledge the gracious favour of his majeſty that now is, who had been

Charles I. been pleaſed not to queſtion my actions, when it is beſt known to your lordſhip, that by a commiſſion of the lords, I was queſtioned upon twenty articles, divers involving felony and treaſon. Although it be true, that when I had ſo anſwered, (as I am confident their lordſhips would have cleared me) I was ſo unhappy, as their lordſhips never met more about that buſineſs.

But now your propoſition is, whether I will now chuſe to ſit ſtill without being further queſtioned for errors paſt, whereas before it was required I ſhould acknowledge that I have not been queſtioned at all, which is a different thing? But conferring both your letters together, and gathering the ſenſe and meaning, by making the latter an explanation of the former, which I could have wiſhed your lordſhip would have more clearly explained, I returned unto your lordſhip this plain and direct anſwer.

That underſtanding by the ſecurity I am in, and ſitting ſtill, and not being further queſtioned, I am reſtored to the bare freedom and liberty of a ſubject and peer (for a man being called in queſtion by his majeſty, if after his majeſty ſhall be pleaſed out of his goodneſs, that he reſt quiet and ſecure, and that he ſhall not be farther queſtioned, I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his majeſty's grace he is pleaſed to declare, he ſhall not be farther queſtioned, but may live in further ſecurity.) So that underſtanding your letter in this ſort (for no direct anſwer can be made, until the ſenſe of the queſtion be truly ſtated,) I do moſt humbly acknowledge and accept his majeſty's grace and favour, and ſhall not wave any thing that ſhall come to me by the pardon of the 21 Jac. regis, nor by the pardon of his majeſty's coronation; and am ſo far from bargaining, as you are pleaſed to expreſs it, for future favour (though I hope my humble and ſubmiſſive courſes of petitioning his majeſty, neither hath, nor ſhall deſerve ſo hard an expreſſion) that I ſhall not preſume ſo much as to preſs for any favour, until my dutiful and loyal behaviour may move his majeſty's royal and gracious heart thereunto, but receive with all humbleneſs, this my freedom and liberty; the which I ſhall only make uſe of in ſuch ſort, as I ſhall judge may be moſt agreeable to his majeſty's pleaſure.

As for the ſecond part of your letter, wherein you ſay, that if I deſire to make uſe of that pardon, his majeſty expects that I ſhould at leaſt forbear to magnify my ſervices; or out of an opinion of my own innocency caſt an aſperſion upon his majeſty's juſtice. To this point I anſwer, that as I hope

hope I ſhall never err in that ſort of immodeſty of valuing my ſervices, which I acknowledge to have been accompanied with infinite weakneſs and diſabilities; ſo I truſt it ſhall not diſpleaſe, that I make uſe to my own comfort, and the honour of my poſterity, of thoſe many written teſtimonies which my late moſt bleſſed maſter hath left me, of his gracious acceptance of my ſervices for the ſpace of twenty years. So likewiſe I hope the modeſt avowing of mine innocency will not be thought to caſt any aſperſion upon his majeſty's honour or juſtice. I muſt freely confeſs unto your lordſhip, I am much afflicted to ſee inferences of this nature made, both in your lordſhips's laſt letter and in this. For if it ſhall be inferred as a thing reflecting upon the king's honour, that a man queſtioned, ſhall not endeavour to defend his own innocency before he be convicted, it will be impoſſible for any man to be ſafe; for the honour of his majeſty is too ſacred a thing for any ſubject, how innocent ſoever, to conteſt againſt. So likewiſe, God forbid that it ſhould be brought into conſequences, (as in your former letter) as a tax upon the government and juſtice of his late majeſty, and majeſty that now is, that I ſhould have ſuffered ſo long time, not being guilty. For as I never have been heard ſo much as to repine of injuſtice in their majeſties in all my ſufferings, ſo I well know, that the long continuance of my troubles may well be attributed unto other cauſes; as to my own errors of paſſion, or other accidents; for your lordſhip may well remember, that my affairs were almoſt two years ſince upon the point of a happy accommodation, had it not been interrupted by the unfortunate miſtaking of the ſpeeches I uſed to Mr. Clark. Charles I.

I ſhall conclude by intreating your lordſhip's favour, that I may underſtand from you, as I hope for my comfort, that this letter hath given his majeſty ſatisfaction; or if there ſhould yet remain any ſcruple, that I may have a clear and plain ſignification of the king's pleaſure, which I ſhall obey with all humility.

Your lordſhip's humble ſervant,

Briſtol.

Not long after, the earl of Briſtol being informed that the houſe of commons were ill affected to the duke of Buckingham, believed he ought to improve that juncture. For which purpoſe he petitioned the houſe of lords, ſhowing that he being a peer of the realm, had not received a ſummons to parliament,

Charles I. liament, and desired their lordships to mediate with his majesty, that he might enjoy the liberty of a subject, and the privilege of his peerage, after almost two years restraint without being brought to a tryal. And if any charge be brought in against him, he prayed that he might be tryed by parliament.

Upon which petition, it was resolved in a committee of the upper-house, That their lordships should humbly beseech his majesty, that a writ of summons might be sent to the earl of Bristol.

Hereupon the duke of Buckingham signified to the house, that upon the earl of Bristol's petition to the king, his majesty had sent him his writ of summons: and withal, showed the lords a copy of a letter written from the king unto the said earl, being as followeth:

"We have received your letter addressed unto us by Buck-
"ingham, and cannot but wonder that you should through
"forgetfulness, make request to us of favour, as if you stood
"evenly capable of it, when you know what your behaviour
"in Spain deserved of us, which you are to examine by
"the observations we made, and know you well remember;
"how at our first coming into Spain, taking upon you to be
"so wise as to foresee our intention to change our religion,
"you were so far from disswading us, that you offered your
"advice and secrecy to concur in it; and in many other
"conferences pressing to shew how convenient it was to be a
"Romish catholic; it being impossible in your opinion to
"do any great action otherwise: And how much wrong,
"disadvantage, and disservice you did to the treaty, and to
"the right and interest of our dear brother and sister, and
"their children; what disadvantage, inconvenience, and
"hazard you intangled us in by your artifices, putting off
"and delaying our return home; the great estimation you
"made of that state, and the low price you set this kingdom
"at; still maintaining that we under colour of friendship to
"Spain did what was in our power against them, which
"they said, you very well knew: And last of all, your ap-
"proving of those conditions, that our nephew should be
"brought up in the emperor's court, to which Sir Walter
"Ashton then said, That he durst not give his consent for
"fear of his head: you replying unto him, That without
"some such great action, neither marriage nor peace could
"be had."

The

The lord-keeper to the earl of Briſtol.

My very good lord,

BY his majeſty's commandment, I herewith ſend unto your lordſhip your writ of ſummons for the parliament; but withal to ſignify his majeſty's pleaſure herein further, that howſoever he gives way to the awarding of the writ; yet his meaning is thereby, not to diſcharge any former directions for reſtraint of your lordſhip's coming hither, but that you continue under the ſame reſtriction as you did before; ſo as your lordſhip's perſonal attendance is to be forborn, and therein I doubt not but your lordſhip will readily give his majeſty ſatisfaction. And ſo I commend my ſervice very heartily unto your lordſhip, and remain,

Your lordſhip's aſſured friend and ſervant,

Dorſet Court,
March 31, 1626. Tho. Coventry, C. S.

The earl of Briſtol's anſwer to the lord-keeper.

May it pleaſe your lordſhip,

I Have received your lordſhip's letter of the 31ſt of March, and with it his majeſty's writ of ſummons for the parliament; in the one his majeſty commandeth me, that all excuſes ſet aſide, upon my faith and allegiance, I fail not to come and attend his majeſty; and this under the great ſeal of England. In the other, as in a letter miſſive, his majeſty's pleaſure is intimated by your lordſhip, that my perſonal attendance ſhould be forborn: I muſt crave leave ingenuouſly to confeſs unto your lordſhip, that I want judgment rightly to direct myſelf in this caſe; as likewiſe that I am ignorant how far this may trench upon the privileges of the peers of this land, and upon mine and their ſafety hereafter: for if the writ be not obeyed, the law calleth it a miſpriſion, and highly fineable, whereof we have had late examples; and a miſſive letter being avowed or not, is to be doubted would not be adjudged a ſufficient diſcharge againſt the great ſeal of England. On the other ſide, if the letter be not obeyed, a peer may, "de facto," be committed upon a contempt, in the interim, and the queſtion cleared afterwards; ſo that in this caſe it is above mine abilities. I can only anſwer your lord-

ſhip,

Charles I. ſhip, that I will moſt exactly obey; and to the end I may underſtand which obedience will be, in all kinds, moſt ſuitable to my duty, I will preſently repair to my private lodging at London, and there remain until in this, and other cauſes, I ſhall have petitioned his majeſty, and underſtand his further pleaſure. For the ſecond part of your lordſhip's letter, where your lordſhip ſaith, "That his majeſty's "meaning is not thereby to diſcharge any former directions "for reſtraint of your lordſhip's coming hither, but that you "continue under the ſame reſtriction as before; ſo that "your lordſhip's perſonal attendance here is to be forborn:" I conceive your lordſhip intendeth this touching my coming to parliament only; for as touching my coming to London, I never had at any time one word of prohibition, or colourable pretence of reſtraint; but on the contrary, having his late majeſty's expreſs leave to come to London, to follow my affairs; out of my reſpect to his majeſty, then prince, and to the duke of Buckingham, I forbore to come until I might know, whether my coming would not be diſagreeable unto them. Whereunto his majeſty was pleaſed to anſwer, both under the hand of the duke, and of Mr. Secretary Conway, that he took my reſpect unto him herein in very good part, and would wiſh me to make uſe of the leave the king had given me: Since which time I never received any letter or meſſage of reſtraint; only his majeſty by his letter, bearing date June the laſt, commandeth me to remain as I was in the time of the king his father, which was with liberty to come to London to follow my own affairs as I pleaſed, as will appear unto your lordſhip, if you will afford me ſo much favour as to peruſe them. I have writ this much unto your lordſhip, becauſe I would not, through miſunderſtanding, fall into diſpleaſure by my coming up, and to intreat your lordſhip to inform his majeſty thereof: and that my lord Conway, by whoſe warrant I was only reſtrained in the late king's time of famous memory, may produce any one word, that may have ſo much as any colourable pretence of debarring my coming up to London. I beſeech your lordſhip to pardon my deſire to have things clearly underſtood; for the want of that formerly hath cauſed all my troubles; and when any thing is miſinformed concerning me, I have little or no means to clear it; ſo that my chief labour is to avoid miſunderſtanding. I ſhall conclude with beſeeching your lordſhip to do me this favour, to let his majeſty underſtand, that my coming up is only rightly to underſtand his pleaſure, whereunto I ſhall in all things moſt dutifully and humbly conform my-

myſelf. And ſo with my humble ſervice to your lordſhip, I recommend you to God's holy protection, and remain, Charles I.

Your lordſhip's moſt humble ſervant,

Sherborn, April 12, 1626. BRISTOL.

The earl of Briſtol's ſecond petition preſented to the houſe of lords, April 19, 1626.

The humble petition of John earl of Briſtol.

Humbly ſhewing unto your lordſhips,

THAT he hath lately received his writ of parliament, for which he returneth unto your lordſhips moſt humble thanks, but jointly with it a letter from my lord keeper, commanding him in his majeſty's name to forbear his perſonal attendance; and although he ſhall ever obey the leaſt intimation of his majeſty's pleaſure, yet he moſt humbly offereth unto your lordſhips wiſe conſiderations as too high a point for him, how far this may trench upon the liberty and ſafety of the peers, and the authority of their letters patents, to be in this ſort diſcharged by a letter miſſive of any ſubject, without the king's hand; and for your lordſhips due information, he hath annexed a copy of the ſaid lord-keeper's letter, and his anſwer thereunto.

He further humbly petitioneth your lordſhips, that having been, for the ſpace of two years, highly wronged in point of his liberty, and of his honour, by many ſiniſter aſperſions which have been caſt upon him, without being permitted to anſwer for him, if; which hath been done by the power and induſtry of the duke of Buckingham, to keep him from the preſence of his majeſty and the parliament, leſt he ſhould diſcover many crimes concerning the ſaid duke.

He therefore moſt humbly beſeecheth, that he may be heard both in the point of his wrong, and of his accuſation of the ſaid duke; wherein he will make it appear, how infinitely the ſaid duke hath both abuſed their majeſties, the ſtate, and both the houſes of parliament. And this he is moſt confident will not be denied, ſince the court of parliament never refuſeth to hear the pooreſt ſubject ſeeking for redreſs of wrongs, nor the accuſation againſt any, be he never ſo powerful: and herein he beſeecheth your lordſhips to mediate to his majeſty, for the ſuppliant's coming to the houſe, in ſuch ſort as you ſhall

Charles I. think fitting; aſſuring his majeſty, that all he ſhall ſay, ſhall not only tend to the ſervice of his majeſty and the ſtate, but highly to the honour of his majeſty's royal perſon, and of his princely virtues: and your ſuppliant ſhall ever pray for your lordſhips proſperity.

Hereupon the lord-keeper delivered this meſſage from the king to the houſe of lords.

That his majeſty hath heard of a petition preferred unto this houſe by the earl of Briſtol, ſo void of duty and reſpects to his majeſty, that he hath great cauſe to puniſh him: that he hath alſo heard with what duty and reſpectfulneſs to his majeſty their lordſhips have proceeded therein, which his majeſty conceiveth to have been upon the knowledge they have, that he hath been reſtrained for matters of ſtate; and his majeſty doth therefore give their lordſhips thanks for the ſame, and is reſolved to put the cauſe upon the honour and juſtice of their lordſhips and this houſe. And thereupon his majeſty commanded him (the lord-keeper) to ſignify to their lordſhips his royal pleaſure, that the earl of Briſtol be ſent for as a delinquent, to anſwer in this houſe his offences, committed in his negotiations before his majeſty's being in Spain, and his offences ſince his majeſty's coming from Spain, and his ſcandalizing the duke of Buckingham immediately, and his majeſty by reflection, with whoſe privity, and by whoſe direction, the duke did guide his actions, and without which he did nothing. All which his majeſty will cauſe to be charged againſt him before their lordſhips in this houſe.

The lords appointed a committee to attend the king, and to preſent their humble thanks to his majeſty, for the truſt and confidence he had placed in the honour and juſtice of their houſe.

ON Monday the firſt of May, the Gentleman-uſher brought the earl of Briſtol to the bar, according to their lordſhips order; and the lord-keeper acquainted him, that the king had commanded his attorney-general, to charge the earl of Briſtol before their lordſhips with high-treaſon, and other offences and miſdemeanours of a very high nature, that they might proceed in a legal courſe againſt him, according to the juſtice and uſual proceedings of parliament.

Articles

Articles of accuſation againſt the earl of Briſtol, preſented to the upper-houſe by the king's attorney-general.

I. Offences done and committed by the earl of Briſtol, before his majeſty's going into Spain, when he was prince.

I. THAT the ſaid earl being truſted and employed by the ſaid late king as his ambaſſador to Ferdinando, then and now emperor of Germany; and to Philip the IVth, then and now king of Spain, in Annis 1621, 22, 23. And having commiſſion, and particular and ſpecial direction, to treat with the ſaid emperor and the king of Spain, for the plenary reſtoring of ſuch parts of the dominions, territories, and poſſeſſions of the count Palatine of Rhine, who married with the moſt excellent lady Elizabeth his now royal conſort, the only daughter of the ſaid late king James; which were then wrongfully and in hoſtile manner taken, and poſſeſſed with and by the armies of the ſaid emperor and king of Spain, or any other; and for the preſerving and keeping ſuch other parts thereof as were not then loſt, but were then in the protection of the ſaid late king James, and to the uſe of the ſaid count Palatine and his children: and alſo to treat with the ſaid king of Spain for a marriage to be had between the moſt high and excellent prince Charles, then prince of Wales, the only ſon and heir-apparent of the ſaid king James, and now our moſt ſovereign lord, and the moſt illuſtrious lady Donna Maria the infanta of Spain, ſiſter to the now king of Spain: he the ſaid earl, contrary to his duty and allegiance, and contrary to the truſt and duty of an ambaſſador, at Madrid in the kingdom of Spain, to advance and further the deſigns of the ſaid king of Spain againſt our ſaid ſovereign lord, his children, friends and allies, falſely, willingly, and traiterouſly, and as a traitor to our ſaid late ſovereign lord the king, by ſundry letters and other meſſages ſent by the ſaid earl from Madrid, in the year aforeſaid, unto king James and his miniſters of ſtate of England, did confidently and reſolutely inform, adviſe, and aſſure the ſaid late king, that the ſaid emperor and king of Spain would really, fully, and effectually make reſtitution and plenary reſtauration to the ſaid count Palatine, and his children of the ſaid dominions, territories and poſſeſſions of the ſaid count Palatine, and of the ſaid electoral dignity: and that the ſaid king of Spain did really, fully and effectually intend the ſaid marriage between the ſaid lady his ſiſter, and the ſaid prince our now ſovereign lord,

Charles I. lord, according to articles formerly propounded between the ſaid kings: whereas in truth, the ſaid emperor and king of Spain, or either of them, never really intended ſuch reſtitution as aforeſaid; and whereas the ſaid king of Spain never really intended the marriage according to thoſe articles propounded, but the ſaid emperor and the king of Spain, intended only by thoſe treaties, to gain time to compaſs their own ends and purpoſes, to the detriment of this kingdom (of all which, the ſaid earl of Briſtol neither was nor could be ignorant) the ſaid late king James by entertaining thoſe treaties, and continuing them upon thoſe falſe aſſurances given unto him by the ſaid earl, as aforeſaid, was made ſecure, and loſt the opportunity of time, and thereby the ſaid dominions, territories and poſſeſſions of the ſaid count Palatine, and the electoral dignity become utterly loſt; and ſome parts thereof were taken out of the actual poſſeſſion of the ſaid king James, unto whoſe protection and ſafe-keeping they were put, and committed to the ſaid count Palatine; and the moſt excellent lady Elizabeth his wife, and their children, are now utterly diſpoſſeſſed and bereaved thereof, to the high diſhonour of our ſaid late ſovereign lord king James, to the diſheriſon of the ſaid late king's children, and their poſterity, of their antient patrimony, and to the diſadvantage and diſcouraging of the reſt of the princes of Germany, and other kings and princes in amity and league with his majeſty.

II. That the ſaid earl of Briſtol being ambaſſador for his late majeſty king James as aforeſaid, in annis ſupradictis, and having received perfect, plain, and particular inſtructions and directions from his ſaid late majeſty, that he ſhould put the king of Spain to a ſpeedy and punctual anſwer, touching the treaties aforeſaid: and the ſaid earl well underſtanding the effect of thoſe inſtructions and directions ſo given unto him, and taking preciſe knowledge thereof; and alſo knowing how much it concerned his late majeſty in honour and ſafety (as his great affairs then ſtood) to put theſe treaties to a ſpeedy concluſion: yet nevertheleſs, he the ſaid earl, falſely, willingly and traiterouſly, contrary to his allegiance, and contrary to the truſt and duty of an ambaſſador, continued thoſe treaties upon generalities, without effectual preſſing the ſaid king of Spain unto particular concluſions, according to his majeſty's directions as aforeſaid; and ſo the ſaid earl intended to have continued the ſaid treaties upon generalities, and without reducing them to certainties and to direct concluſions, to the high diſhonour of his ſaid late majeſty, and to the extreme

treme danger and detriment of his majeſty's perſon, his crown and dominions, confederates and allies. Charles I.

III. That the ſaid earl of Briſtol, being ambaſſador for his ſaid late majeſty as aforeſaid, in the years aforeſaid, to the intent to diſcourage the ſaid late king James, for the taking up of arms, entering into hoſtility with the ſaid king of Spain, and for reſiſting him and his forces, from attempting the invaſion of his ſaid late majeſty's dominions, and the dominions of his ſaid late majeſty's confederates, friends, and allies; the ſaid king of Spain having long thirſted after an univerſal monarchy in theſe weſtern parts of the world, hath many times, both by words and letters to the ſaid late king and his miniſters, extolled and magnified the greatneſs and power of the ſaid king of Spain, and repreſented unto his ſaid late majeſty, the ſuppoſed dangers which would enſue unto him, if a war ſhould happen between them; and affirmed, and inſinuated unto his ſaid late majeſty, that if ſuch a war ſhould enſue, his ſaid late majeſty, during the reſt of his life, muſt expect neither to hunt, nor hawk, nor eat his meat in quiet: whereby the ſaid earl of Briſtol did cunningly and traiterouſly ſtrive to retard the reſolutions of the ſaid late king, to declare himſelf an enemy to the ſaid king of Spain, (who, under colour of treaties and alliances, had ſo much abuſed him) and to reſiſt his arms and forces, to the loſs of opportunity of time, which cannot be recalled or regained, and to the extreme danger, diſhonour, and detriment of this kingdom.

IV. The ſaid earl of Briſtol, upon his diſpatch out of this realm of England, in his ambaſſage aforeſaid, having communication with divers perſons of London, within this realm of England, before his going into Spain, in and about his ambaſſage concerning the ſaid treaty, for the negotiation whereof, the ſaid earl purpoſely was ſent; and he the ſaid earl being then told, there was little probability that theſe treaties would or could have any good ſucceſs, he the ſaid earl acknowledged as much; and yet nevertheleſs, contrary to his duty and allegiance, and to the faith and truth of an ambaſſador, he the ſaid earl ſaid and affirmed, that he cared not what the ſucceſs thereof would be; for he would take care to have his inſtructions, and purſue them punctually; and howſoever the buſineſs went, he would make his fortune thereby, or uſed words at that time to ſuch effect; whereby it plainly appeareth, that the ſaid earl, from the beginning herein, intended not the ſervice or honour of his late majeſty, but his own corrupt and ſiniſter ends, and for his own advancement.

V. That

Charles I. V. That from the beginning of his negotiation, and throughout the whole management thereof, by the ſaid earl of Briſtol, and during his ſaid ambaſſage, he the ſaid earl, contrary to his faith and duty to God, the true religion profeſſed by the church of England, and the peace of this church and ſtate, did intend and reſolve, that if the ſaid marriage ſo treated of as aforeſaid, ſhould by his miniſtry be effected, that thereby the Romiſh religion, and profeſſors thereof, ſhould be advanced within this realm, and other his majeſty's realms and dominions, and the true religion and profeſſors thereof, diſcouraged and diſcountenanced. And to that end and purpoſe, the ſaid earl, during the time aforeſaid, by letters unto his late majeſty, and otherwiſe, often counſelled and perſwaded his ſaid late majeſty to ſet at liberty the jeſuits and prieſts of the Romiſh religion; which, according to the good, religious and public laws of this kingdom, were impriſoned or reſtrained, and to grant, and to allow unto the papiſts, and profeſſors of the Romiſh religion, free toleration, and ſilencing of all the laws made, and ſtanding in force againſt them.

VI. That by the falſe informations and intelligence of the ſaid earl of Briſtol, during the time aforeſaid, unto his ſaid late majeſty, and to his majeſty that now is (being then prince) concerning the ſaid treaties; and by the aſſurances aforeſaid given by the ſaid earl, his ſaid late majeſty, and the prince, his now majeſty, being put in hopes, and by the ſaid long delay uſed, without producing any effect, their majeſties being put into jealouſies, and juſt ſuſpicion, that there was no ſuch ſincerity uſed towards them as they expected; and with ſo many anſwers from the earl had on their part been undertaken, the ſaid prince, our now gracious ſovereign, was inforced, out of his love to his country, to his allies, friends, and confederates, and to the peace of Chriſtendom, who all ſuffered by thoſe intolerable delays, in his own perſon to undertake his long and dangerous journey into Spain, that thereby he might either ſpeedily conclude thoſe treaties, or perfectly diſcover, that on the emperor's, and the king of Spain's part, there was no true and real intention to bring the ſame to concluſion upon any fit and honourable terms and conditions, and did abſolutely and ſpeedily break them off. By which journey, the perſon of the ſaid prince, being then heir-apparent to the crown of this realm, and in his perſon, the peace and ſafety of this kingdom, did undergo ſuch apparent, and ſuch inevitable danger, as at the very remembrance thereof, the hearts of all good ſubjects do even tremble.

II. Offences

M. Offences done and committed by the ſaid earl, during the time of the prince's being in Spain.

VII. THAT at the prince's coming into Spain, during the time aforeſaid, the earl of Briſtol, cunningly, falſely, and traiterouſly, moved and perſwaded the prince, being then in the power of a foreign king of the Romiſh religion, to change his religion, which was done in this manner. At the prince's firſt coming to the ſaid earl, he aſked the prince, for what he came thither? The prince at firſt not conceiving the earl's meaning, anſwered, You know as well as I. The earl replied, Sir, ſervants can never ſerve their maſters induſtriouſly, although they may do it faithfully, unleſs they know their meanings fully. Give me leave therefore to tell you what they ſay in the town, is the cauſe of your coming, that you mean to change your religion, and to declare it here, and yet cunningly to diſguiſe it. The earl added further: Sir, I do not ſpeak this, that I will perſwade you to do it, or that I will promiſe you to follow your example, though you will do it; but as your faithful ſervant, if you will truſt me with ſo great ſecret, I will endeavour to carry it the diſcreeteſt way I can. The prince being moved at this unexpected motion, again ſaid unto him, I wonder what you have ever found in me, that you ſhould conceive I would be ſo baſe and unworthy, as for a wife to change my religion. The ſaid earl replying, he deſired the prince to pardon him if he had offended him, it was but out of his deſire to ſerve him. Which perſwaſions of the ſaid earl were the more dangerous, becauſe the more ſubtle; whereas it had been the duty of a faithful ſervant, to God and his maſter, if he had found the prince ſtaggering in his religion, to have prevented ſo great an error, and to have perſwaded againſt it, ſo to have avoided the dangerous conſequence thereof to the true religion, and to the ſtate, if ſuch a thing ſhould have happened.

VIII. That afterwards, during the prince's being in Spain, the ſaid earl having conference with the ſaid prince about the Romiſh religion, he endeavoured falſely and traiterouſly to perſwade the prince to change his religion, and to become a Roman catholic, and to become obedient to the uſurped authority of the pope of Rome: and to that end and purpoſe, the ſaid earl traiterouſly uſed theſe words unto the ſaid prince, that the ſtate of England never did any great thing, but when

Charles I. they were under the obedience of the pope of Rome, and [illegible] it was impoſſible they could do any thing of note otherwiſe.

IX. That during the time of the prince's being in Spain, the prince conſulting and adviſing with the ſaid earl, and others, about a new offer made by the king of Spain, touching the Palatinate's eldeſt ſon, to marry with the emperor's daughter, but then he muſt be bred up in the emperor's court; the ſaid earl delivered his opinion, that the propoſition was reaſonable; whereat, when Sir Walter Aſton then preſent, falling into ſome paſſion, ſaid, that he durſt not for his head conſent to it; the earl of Briſtol replied, that he ſaw no ſuch great inconvenience in it; for that he might be bred up in the emperor's court in our religion. But when the extreme danger, and, in a manner, the impoſſibility thereof was preſſed unto the ſaid earl, he ſaid again, that without ſome great action, the peace of Chriſtendom would never be had; which was ſo dangerous and ſo deſperate a council, that one near the crown of England ſhould be poiſoned in his religion, and become an unfriend to our ſtate, that the conſequences thereof, both for the preſent and future times, were infinitely dangerous; and yet hereunto did his diſaffection to our religion, the blindneſs in his judgment, miſled by his ſiniſter reſpects, and the too much regard he had to the houſe of Auſtria, lead him.

III. Offences done and committed by the ſaid earl, after the prince's coming from Spain.

X. THAT when the prince had clearly found himſelf and his father deluded in theſe treaties, and hereupon reſolved to return from the court of Spain; yet becauſe it behoved him to part freely, he left the powers of the deſponſories with the earl of Briſtol, to be delivered upon the return of the diſpenſation from Rome, which the king of Spain inſiſted upon; and without which, as he pretended, he would not conclude the marriage. The prince foreſeeing and fearing, leſt after the deſponſories, the infanta that ſhould then be his wife, might be put into a monaſtery, wrote a letter back to the ſaid earl from Segovia, thereby commanding him not to make uſe of the ſaid powers, until he could give him aſſurance, that a monaſtery ſhould not rob him of his wife; which letter the ſaid earl received, and with ſpeed returned an anſwer thereto in England, perſuading againſt this direction, yet promiſing obedience thereunto. Shortly after which, the prince ſent another letter to the ſaid earl into Spain, diſcharging

charging him of his father's command. But his late majeſty, Charles I. by the ſame meſſenger, ſent him a more expreſs direction, not to diſpatch the deſponſories, until a full concluſion were had of the other treaty of the Palatinate with this of the marriage; for his majeſty ſaid, That he would not have one daughter to laugh, and leave the other daughter weeping. In which diſpatch, although there were ſome miſtaking, yet in the next following, the ſame was corrected, and the earl of Briſtol tied to the ſame reſtriction, which himſelf confeſſed in one of his diſpatches afterwards, and promiſed to obey punctually the king's command therein; yet nevertheleſs, contrary to his duty and allegiance, in another letter ſent immediately after, he declared, That he had ſet a day for the deſponſories, without any aſſurance, or ſo much as treating of thoſe things which were commanded to him as reſtrictions; and that ſo ſhort a day, that if extraordinary diligence, with good ſucceſs in the journey, had not concurred, the prince's hands might have been bound up; and yet he neither ſure of a wife, nor any aſſurance given of the temporal articles. All which, in his high preſumption, he adventured to do, being an expreſs breach of his inſtructions; and if the ſame had not been prevented by his late majeſty's vigilancy, it might have turned to the infinite diſhonour and prejudice of his majeſty.

XI. Laſtly, That he hath offended in a high and contemptuous manner, in preferring a ſcandalous petition, to this honourable houſe, to the diſhonour of his majeſty of bleſſed memory deceaſed, and of his ſacred majeſty that now is, which are no way ſufferable in a ſubject towards his ſovereign; and in one article of that petition ſpecially, wherein he gives his now majeſty the lie, in denying and offering to falſify that relation which his majeſty affirmed, and thereunto added many things of his own remembrance to both houſes of parliament.

Robert Heath, [Attorney-general.]

The earl of Briſtol, upon the attorney-general's accuſing him of high-treaſon, thus expreſt himſelf:

"That he had exhibited his petition to the houſe, April "19, that he might come up and be heard in his accuſation "of the duke of Buckingham, and that thereupon, he be- "ing a peer of this realm, is now charged with treaſon: "That he had heretofore informed the late king of the duke's "unfaithful ſervice, and thereupon the duke laboured that he

Charles I. "might be clapt up in the Tower, preſently upon his re-
"turn out of Spain: That he importuned the late king,
"that he might be heard before himſelf, and his majeſty pro-
"miſed it; "I pray God (ſaid he) that the promiſe did
"him no hurt, for he died ſhortly after." And for the king's
"promiſe, he vouched the lord-chamberlain for a witneſs;
"and he deſired the lords to take notice, that their houſe
"was poſſeſſed already of his ſaid petition, and of his accu-
"ſation of the ſaid duke: And therefore deſired firſt, that
"they would receive his charge againſt the duke and the
"lord Conway, and not to invalid his teſtimony againſt him
"by the king's charge againſt him; and that he might not
"be impeached, till his charge of ſo high a nature be firſt
"heard.

"So he tendered to the houſe the articles againſt the duke,
"which the clerk received, and he withdrew, and his pe-
"tition exhibited the 19th of April was read; and the lords
"reſolved upon the queſtion, That the ſaid earl's charge
"againſt the duke of Buckingham and the lord Conway
"ſhould be preſently read."

The earl being ſhortly after called in again to the bar of the lord's houſe, concerning his articles againſt the duke, made this ſpeech.

Firſt, He craved pardon of their lordſhips for his earneſt ſpeeches the other day, confeſſing them to have been in paſſion, ſaying, That unexpected accuſation of treaſon would warm any honeſt heart, but would hereafter amend it. Then he returned their lordſhips humble thanks for their manner of proceeding againſt him; and deſired to know, from Mr. Attorney, whether that was his whole charge or not. Mr. Attorney anſwered, That he had commandment to open no more againſt him; peradventure, upon the opening of the charge, ſome particulars might ariſe, and be urged, but no new matter ſhould.

Then the earl deſired to know of Mr. Attorney, who was the relator to his charge, and that he might underſtand who was his accuſer. Mr. Attorney anſwered, That the king himſelf, out of his own mouth, had given him directions for his own relation againſt him, and corrected many things that were added. Unto which the earl anſwered, that he would not conteſt with the king, neither did it beſeem him ſo to do; neither eſteemed he his life or his fortunes ſo much, as to ſave them by conteſting with his ſovereign; and therefore would make

make no reply or answer, were it not that his religion and honour were jointly questioned with his life; but that being so to descend to his posterity, for their sakes he was an humble suitor unto his majesty, that he would not take indignation at his own just defence, yet would he be ready to make any humble submission to his majesty; and heartily desired some means might be made, that he might make it personally to himself, wherein he would submit himself most willingly to some such act of humiliation and submission, (not wronging his innocency) that never subject did towards his sovereign: And also that his majesty would be pleased to set himself in his throne of justice, and declare out of his royal justice, that he would have the duke and him upon equal terms, and that neither of their causes should be advanced before the other's. Charles I.

These were his humble petitions, which he besought their lordships to present unto his majesty, and to take it into their considerations, of how dangerous a consequence it would be, if the king should be accuser, judge, witness, and should have the confiscation. As touching the charge against him, he said, He had once answered it all, except that of his petition; and he doubted not but to clear himself before their lordships, of every particular of it. He said, he expected not to have heard of this again, having once answered it: He rather expected to have been charged with some practice with Spain against the state; or the receipt of ten or twenty thousand pounds, for the persuading and procuring of the delivery up of some town, of which the crown was in possession, as might be the town of Flushing, the Brill, or the like; or for being the means of lending the king's ships to a foreign nation, and that against those of our own religion; or for revealing his majesty's highest secrets, which none above two or three dares know; or for treating the greatest affairs [a], as it were by his own authority, without formal instructions in the points; for having taken rewards; or been corrupted by a foreign prince; or to have broken his instructions in any ecclesiastical point; or, as the law calleth it, to have committed an overt act of disloyalty; and not to be charged, after seven ambassages, with discourses and inferences.

Then he desired their lordships, that he might have a copy of his charge in writing, and time allowed him for his answer, and counsel assigned him to plead his cause; and

a Of all these things was the duke of Buckingham accused by the public. Rapin.

Charles I. ſaid, There was a great difference between the duke of Buckingham and him; for the duke was accuſed of treaſon, and yet at large, and in the king's favour; and he being accuſed but of that which he had long ſince anſwered, was a priſoner: and therefore he moved, that they might be put in equal condition.

And as touching the lord Conway, inaſmuch as he had given in articles againſt him, he deſired his lordſhip, he might not meddle in that particular buſineſs, or uſe the king's name againſt him, ex officio; he alſo beſought their lordſhips to be ſuitors to his majeſty on his behalf, that all the particular diſpatches of his own ambaſſages, and Sir Walter Aſton's, might be brought thither, and that he might make uſe of them for his defence, as his evidence: Then he deſired their lordſhips, not to think it tedious for him to proceed, and lay open his caſe unto them: Which being granted, he began as followeth.

He ſaid, That he had the honour to ſerve the late king his maſter, of happy memory, for the ſpace of twenty years, and a long time as a counſellor, and in ſeven foreign ambaſſages: In all which time, in point of his negotiation, he had never received one check or rebuke, until the return of the duke of Buckingham out of Spain; and therefore, from thence he would begin his preſent narration.

The very day that his majeſty departed from Spain, he was pleaſed to tell him, That he had no ways offended him, but did him the honour to truſt him with the cuſtody of the powers for his marriage; and after his return into England, wrote unto him ſome letters, which did in no kind expreſs any diſtruſt or diſpleaſure againſt him. About the ſame time, he wrote unto his majeſty ſeveral letters, as in duty he was bound, not for any earthly reſpect whatſoever, to conceal from him the true eſtate of his affairs; in which letters he ſet down truly and honeſtly, That he conceived, that the diſtaſtes grown there betwixt the king of Spain and his miniſters, and the duke of Buckingham, would diſorder and utterly overthrow all his affairs, if his wiſdom prevented it not; hinc illæ lachrymæ: The duke of Buckingham got a ſight and knowledge of the letters; and fearing, leſt the earl at his return ſhould diſcover unto his ſaid late majeſty, his practices and miſdemeanors in Spain, he reſolved, That his acceſs to the king was no ways to be admitted, and therefore laboured and endeavoured, that he might be committed to the Tower preſently upon his arrival; and conceiving that the lord marquis Hamilton, in regard of his friendſhip with the earl,

and

and the alliance which was then intended between them, Charles I.
might oppoſe his courſe, he earneſtly preſſed him therein, and
moved him to deal with my lord-chamberlain to the ſame purpoſe, vowing, That there was no hurt intended to the earl, but only that he feared, that if he ſhould be admitted to the king, he would croſs and diſturb the courſe of affairs. But they were ſo honourable, that neither of them would condeſcend thereunto; and ſo that intention of his took no effect.

This deſign of the duke not taking, he fell upon other things, indeed to have frightned the earl out of his country and honour; and thereupon laid ſome great and ſiniſter aſperſions upon him in both houſes of parliament, thinking thereby to have terrified him, that he ſhould not return, ſaying, That if he kept not himſelf where he was, and laid hold of thoſe great offers which he heard were made unto him in Spain, it would be worſe with him.

"Here the earl deſired my lord chamberlain, that he would "be pleaſed upon his honour, to deliver what he knew of "the matter. Whereupon the lord chamberlain atteſted "the truth of what the earl had ſaid concerning the duke "of Buckingham, the marquis of Hamilton, and himſelf."

Then the earl of Briſtol proceeded and ſaid, That the knowledge of theſe aſperſions caſt upon him in the parliament, came firſt unto him at Bourdeaux in France, where he was coming home at leiſure, in the company of his wife and family, having formerly ſent a poſt of purpoſe to the lord Conway, to know if his ſpeedy return would be any way uſeful to his majeſty's ſervice: Who anſwered him, That he might very well return at leiſure with his family. And in the mean time, he was fallen upon by the duke of Buckingham in parliament, in ſuch ſort as your lordſhips well remember, of whoſe declaration, he ſaid, he would boldly affirm unto their lordſhips, that there was ſcarce any one thing concerning him in it, which was not contrary to, or different from the truth.

From Bourdeaux the earl took poſt, making haſte, for that he hoped to clear his honour in parliament before it ſhould break up; and being arrived at Calais, he ſent over to have one of the king's ſhips, for which there was public order given: But although both wind and weather were as fair as could be, and the king's ſhips lay at Boloigne, having carried over count Mansfield, and might every day within three hours have been with him, yet the ſhip came not in eight days expectance; ſo that the earl, fearing the parliament would be diſſolved, was enforced to paſs the ſea in a boat

Charles I. with six oars, as he did, having with him thirty or forty thousand pounds of the king's jewels.

Upon his landing at Dover, hoping that if his arrest should have been deferred till his coming to London, he might have gotten directly to the king's presence, which the duke resolved was by no means to be admitted: The earl was there, by a letter of the lord Conway's, delivered unto him by a servant of his, in his majesty's name, commanded to retire himself to his house, and not to come to the court, or the king's presence, until he should have answered unto certain questions, which his majesty would appoint some of the lords of the council to ask him. Hereupon he sent presently to his majesty, who sent him word, That his restraint was neither for any ill meaning unto him, nor that it should last long, but was intended for his good, to keep the parliament from falling violently upon him. And the same reason the duke alleged to some of his friends; and all those his troubles, which have followed upon his first restraint, have been procured by the duke's art, under colour of favour. But the earl having received his message from the king, became a most humble suitor unto his majesty, that he would expose him to the parliament; for that if he had not served him honestly in all things, he deserved no favour, but to be proceeded against with all severity. And in this particular he pressed the king, as far as could stand with duty and good manners; but received answer from his majesty, That there should but few more days pass, before he would put an end to his affairs. And about this time the parliament was dissolved.

He still continued his sollicitation to be admitted to the king's presence, who sent him word, and confirmed it by oath: That as soon as he should have answered the questions which the commissioners were to propound to him, he would both see him and hear him, and wondered that he should so much doubt thereof. He then sollicited with all earnestness to have the questions sent unto him, which was promised should be within few days. In the interim, his majesty being desirous that the business should have been accommodated, sent secretly to him by a gentleman (who is ready to depose it) this message; "That he should write a fair letter to the "duke, and leave the rest to him." Hereupon the duke sent a gentleman (one Mr. Clark) with fair propositions, offering to procure him whatsoever he could reasonably pretend; only he must not be admitted to the king's presence for some time; and that the duke would have the disposing of his vice-chamberlain's place, having been therein formerly engaged. The earl told the gentleman, That to condescend to any such course

were jointly to confeſs himſelf faulty in ſome kind, which he would not do for any reſpect in the world; and let him know the great wrong that the duke had already done him; and therefore it would be more honourable for him to procure him ſome reparation, than to preſs him farther. Moreover, not by way of meſſage, but by way of information of the ſaid Mr. Clark, he let him know, how fit it were for the duke not to preſs theſe things, who could not but be conſcious of his own faults, and know his innocency; and withal ſhewed him a paper that he had made ready for the king, containing the particulars wherein the duke had diſparaged him. Charles I.

Mr. Clark making the duke acquainted herewith, the duke wrote a letter the next day to the earl, bearing date 7 Julij, telling him that he had willingly intended the accommodation of his affairs; but by what he had now ſaid to Mr. Clark, he was diſobliged, unleſs he ſhould be pleaſed to relent it. Whereupon the earl anſwered with that directneſs he thought befitting him in point of honour. The courſe of mediation was interrupted, and the duke ſo far incenſed, that he ſwore he would have him queſtioned for his life. In the interim (which the earl deſired might be known to the lords) his late majeſty was ſo far from thinking him a delinquent, or any way diſhoneſt, that he was often heard to ſay and ſwear, That he held him an honeſt man, and that he would anſwer for him that he had neither committed felony nor treaſon. And this divers are ready to depoſe. The which he well confirmed, for that he gave general leave to all gentlemen of the court, privy-counſellors, and to his ſecretary of ſtate, to have free acceſs unto him; yea, even ſo far as to admit of viſits and entercourſes with Spaniſh ambaſſadors, and the Paedre Maeſtre, as is beſt known to my lord Conway, by whoſe letter he received his majeſty's leave in that particular.

Then he reſumed the ſtate of his buſineſs where he left it, which was in the hands of the commiſſioners, and they were to frame interrogatories for him; the which, although they had promiſed ſhould be ſent within a few days, yet ſuch art was uſed, that ſix or ſeven weeks were ſpent in the framing of them, to the end that his majeſty's progreſs beginning, there might be no means for the farther clearing of the buſineſs: And ſo ſuppoſing that for the anſwering of the twenty interrogatories of ſo high a nature, the earl would take ſome time, they cauſed the ſaid interrogatories to be delivered unto him within a few days before the beginning of the progreſs; but he uſed ſo much diligence, that he made ready to anſwer in Perſona, though it were in the nature of a delinquent.

Unto

Charles I. Unto which his majeſty anſwered moſt graciouſly, That out of his favour, and for that he would not do him wrong, he would not admit of it, but that he would ſend his anſwer, and he would inſtantly put an end to his buſineſſes; as will appear by letters. Hereupon the duke was put into a great ſtrait how to keep him any longer from his majeſty, but deſired that only a few queſtions more might be aſked of him; which the king upon great urging and inſtance, condeſcended unto, ſo that the queſtions might be preſently ſent him: But herein were ſuch artifices uſed, that the bringing of any was delayed until the king had begun his progreſs; and then within a day or two, the lord Conway ſent him word, That he had order indeed for the ſending of him ſome more queſtions, but out of his affection to him he forbore the ſending of them, unleſs he ſhould preſs for them. Whereupon the earl inſtantly wrote unto him, that they might be ſent unto him. My lord Conway made him anſwer by his letter, That he wiſhed rather the courſe of mediation might be purſued, for that would but further exaſperate; but if he would needs have the queſtions they ſhould be ſent to him. Whereupon he ſent to ſollicite his lordſhip for them with all earneſtneſs, inſomuch as to petition his late majeſty twice, that the ſaid queſtions might be ſent: but when the turn was ſerved of keeping him from the king's preſence, the ſaid queſtions were never more heard of till this day.

So likewiſe the earl having ſent his anſwer to all the commiſſioners, who moſt of them made not nice to declare, that they were fully ſatisfied; and when it was perceived that the commiſſioners would certainly clear him, and that he thereby ſhould be reſtored unto his majeſty's favour, they were never more permitted to meet: a proceeding, which, as he conceived, their lordſhips would think hardly to be paralleled, that a commiſſion ſhould be appointed to condemn, if there had been cauſe, but not to clear.

After the progreſs was ended, he began again to ſollicite his majeſty, and wrote particularly unto the duke of Buckingham. Whereupon the duke was pleaſed to ſend four or five propoſitions, which he deſired he ſhould acknowledge; the which propoſitions contained nothing but what hath been already propounded and ſatisfied in the former interrogatories: and if he would make his acknowledgment, he then promiſed to imploy his force and power with the king and prince, that he ſhould be admitted to kiſs their hands, and be received into their gracious favour; but otherwiſe, in a menacing ſort, that he ſhould lay his hands upon his breaſt, and ſo that would

be

be beſt for him. And in the preface of the ſaid propoſitions, Charles I.
he writeth theſe words which follow, "It is an aſſertion not
"granted, that the earl of Briſtol, by his anſwer hath ſatisfied
"either the king, the prince, or me of his innocency." A preſumptuous commination for any ſubject.

But theſe propoſitions were ſo unjuſt, that he wrote unto the duke, that inſtead of an acknowledgment, he had ſent him an anſwer unto them; unto which, if either himſelf, or any man living was able to reply, he would ſubmit himſelf to any thing that ſhould be demanded. But this no way ſatisfied the duke, although it did his late majeſty, who, in the duke's preſence, ſaid, "I were to be accounted a tyrant, to "enjoin an innocent man to confeſs faults, of which he was "not guilty." And thereupon ſent him word, that he ſhould make his anſwer, but acknowledge nothing he was not faulty in. And although he had received this meſſage from the king's own mouth, as will be depoſed, yet the duke at the ſame time wrote unto him, that the concluſion of all that has been treated with his majeſty, was, that he ſhould make the acknowledgment in ſuch manner, as was ſet down in this paper. And at this time likewiſe, it was that his majeſty ſent him word, that he would hear him concerning the duke of Buckingham, as well as he had heard the duke concerning him. And this was not long before his majeſty's ſickneſs: and in the interim, as he had heard by ſeveral ways the king ſuffered much, and was infinitely preſſed by the duke concerning the ſaid earl and his affairs; and this he ſaid, was the ſuffering he had ſpoken of to their lordſhips the other day.

The earl craved leave of their lordſhips to ſpecify ſome other particulars, whereby it ſhould appear, that his majeſty was in no kind ill-opinioned of him till his dying day, viz. That ſeveral perſons will depoſe, that they have heard his majeſty ſay, that he eſteemed him an honeſt man; and that he was pleaſed to accept of toys by way of preſent from him, graciouſly, and in good part; and at laſt was likewiſe pleaſed to give him leave to come to London, and to follow his own affairs; and that his pleaſure was ſignified unto him by the duke his own letter. Whereupon he determined to come to London, intimating to the duke his intention of going to his lodgings in Whitehall; but the duke was therewith incenſed again, and ſaid, he miſtook the king's meaning, which was, that he might privately follow his own buſineſs. And this he ſaid, was the true ſtate and conditions when it pleaſed God to take unto his mercy his late moſt gracious majeſty.

Upon

Charles I. Upon his majeſty's coming to the crown, he ſaid, he wrote a moſt humble letter unto his majeſty, imploring his grace and goodneſs and deſiring the duke's mediation. But he was pleaſed to anſwer by his letter of 7 May 1625, That the reſolution was to proceed againſt him, without a plain and direct confeſſion of the point which he had formerly required him to acknowledge; and in a courtly manner of menace telleth him. that he would take the freedom to adviſe him, to bethink himſelf in time what would be moſt for his good. But in the interim, his majeſty was graciouſly pleaſed that his writ of parliament ſhould be ſent him; and thereupon he wrote unto the duke of the receipt of the ſaid writ, but that he ſhould do nothing but what he ſhould underſtand to be moſt agre able to his majeſty's pleaſure. Whereunto the duke anſwered in his letter of May, in this manner: "I have acquainted his majeſty with your requeſt towards him, touching our ſummons to the parliament, which he taketh very well, and would have you rather make excuſe for your abſence, notwithſtanding your writ, than to come yourſelf in perſon." Whereupon he ſent humbly to deſire a letter of le ve under his majeſty's hand for his warrant; but inſtead thereof, he received from the lord Conway an abſolute prohibition, and to reſtrain and confine him in ſuch ſort, as he hath been in the late king's time: and although he was indeed abſolutely ſet free, he could never get cleared by the lord Conway, though he ſent him all the papers to examine; and when he could make no farther reply, he ſaid, he conceived he was under reſtraint, and that his liberty expired with the late king's death; when indeed reſtraint may expire, but liberty is natural. After this he continued for the ſpace of three quarters of a year in the country without moving, in which time he was removed from thoſe places and offices he held during his late majeſty's life: and the greateſt part of his eſtate being laid out in their majeſties ſervice, by their particular appointment, he could never be admitted ſo much as to the clearing of accompts. Yet hereof he never made the leaſt complaint: but againſt the time of his majeſty's coronation, he thought it fit to lay hold of that occaſion, when princes do acts of grace and favour, to be a moſt humble ſuitor to his majeſty for his grace and goodneſs; and addreſſed his letters unto the duke of Buckingham, from whom he received a letter all written in his own hand, and therein a letter incloſed from his majeſty, ſo different from ſome gracious meſſage which he had received from his majeſty ſince the ſaid earl returned

turned into England, upon the occaſion of a great ſickneſs and likewiſe from his ſpeeches ſeveral times delivered to his wife, to wit, that he had never offended him, and that for his faults he no ways held them criminal, but to be expiated by any eaſy acknowledgment; that he confeſſed he knew not what judgment to make of the ſaid letter, neither hath preſumed hitherto to make any anſwer thereto; although by reducing the occaſion of ſpeeches and circumſtances to his majeſty's memory, he no ways doubteth but he ſhall be able to give unto his majeſty ſuch ſatisfaction to every particular, that his majeſty would not remain with the leaſt ſcruple in any one point. Charles I.

After this, he ſaid, that his writ of parliament was detained; whereupon he addreſſed himſelf to the lord-keeper, that he would be a ſuitor to his majeſty for him in that behalf: which diligences not taking effect, by petition he became a ſuitor to their lordſhips for their honourable mediation to his majeſty, and thereupon his writ of parliament was awarded; but the duke of Buckingham upon that took occaſion, as he had publiſhed copies of the ſaid letter over all the kingdom, to read it likewiſe unto that honourable houſe, as was beſt known unto their lordſhips, and the writ was accompanied with a prohibition from the lord keeper; whereupon he addreſſed himſelf for juſtice to that honourable houſe, (being poſſeſſed of his cauſe by his petition) for both redreſs of his own wrongs, and likewiſe of complaints againſt the duke for many crimes. And that honourable houſe being poſſeſſed of his cauſe by his petition, there is preferred againſt him a ſucceeding complaint, amounting as high as treaſon (as it is pretended) although he for divers years hath not been queſtioned; yet ſince his complaint againſt the duke he hath been ſetcht up like a priſoner, and brought into the houſe as a delinquent; and the duke, of whom he hath complained for his great crimes, is admitted ſtill to ſit in the houſe as one of his judges. The which, with all that he hath formerly ſaid, together with his life, fortunes and honour, he did with all willingneſs, humility and duty, ſubmit to the juſtice and honour of that houſe.

Then the lords asked him, when he would bring in his anſwer? He promiſed to anſwer as ſoon as might be, but knew not how far he ſhould have occaſion to uſe his ancient diſpatches. The lord-keeper told him, that Mr. Attorney might help him by letting him know it. The Attorney ſaid, that his charge ſhould in nothing look further back than to the year 1621, which he deſired might be recorded.

Where-

Charles I. Whereupon the earl thanking their lordſhips for their patience, he was carried away by Mr. Maxwell the gentleman-uſher, in whoſe houſe and cuſtody he remained.

Then were read the earl's articles againſt the duke and the lord Conway; viz.

Articles of the earl of Briſtol, whereby he chargeth the duke of Buckingham, bearing date the firſt day of May, 1626.

I. THAT the duke of Buckingham did ſecretly combine with the Conde of Gondemar, ambaſſador for the king of Spain, before his, the ſaid ambaſſador's, laſt return into Spain, in the ſummer, anno 1622, to carry his majeſty, (then prince) into Spain, to the end he might be informed and inſtructed in the Roman religion, and thereby have perverted the prince, and ſubverted the true religion eſtabliſhed in England: from which miſery this kingdom, (next under God's mercy,) hath by the wiſe, religious, and conſtant carriage of his majeſty, been almoſt miraculouſly delivered, conſidering the many bold and ſubtle attempts of the ſaid duke in that kind.

II. That Mr. Porter was made acquainted therewith, and ſent into Spain; and ſuch meſſages at his return framed, as might ſerve for a ground to ſet on foot this conſpiracy: the which was done accordingly, and thereby the king and prince highly abuſed, and their conſents thereby firſt gotten to the ſaid journey, that is to ſay, after the return of the ſaid Mr. Porter, which was about the end of December, or the beginning of January 1622, whereas the ſaid duke had plotted it many months before.

III. That the ſaid duke, at his arrival in Spain, nouriſhed the Spaniſh miniſters, not only in the belief of his own being popiſhly affected, but did, (both by abſenting himſelf from all exerciſes of religion, conſtantly uſed in the earl of Briſtol's houſe, and frequented by all other proteſtant Engliſh, and by conforming himſelf to pleaſe the Spaniards in divers rites of their religion, even ſo far as to kneel and adore their ſacrament) from time to time give the Spaniards hope of the prince his converſion: the which converſion, he endeavoured to procure by all means poſſible; and thereby cauſe the Spaniſh miniſters to propound far worſe conditions for religion, than had been formerly by the earl of Briſtol, and Sir Walter Aſton, ſettled and ſigned under their majeſty's hands, with a clauſe in the king of Spain's anſwer of December 12, 1622, that they held the articles agreed upon ſufficient, and ſuch as

ought to induce the pope to the granting of the diſpenſa- Charles I.
tion.

IV. That the duke of Buckingham having ſeveral times, in the preſence of the earl of Briſtol, moved and preſſed his late majeſty, at the inſtance of the Conde of Gondomar, to write a letter unto the pope; and to that purpoſe having once brought a letter ready drawn, wherewith the earl of Briſtol, by his majeſty's being made acquainted, did ſo ſtrongly oppoſe the writing of any ſuch letter, that during the abode of the ſaid earl of Briſtol in England, the ſaid duke could not obtain it; yet not long after the earl was gone, he procured ſuch a letter to be written from his ſaid late majeſty unto the pope, and to have him ſtiled [Sanctiſſime Pater.]

V. That the pope being informed of the duke of Buckingham's inclination and intention in point of religion, ſent unto the ſaid duke a particular bull in parchment, for to perſuade and encourage him in the perverſion of his majeſty, then prince.

VI. That the ſaid duke's behaviour in Spain was ſuch, that he thereby ſo incenſed the king of Spain and his miniſters, as they would admit of no reconciliation, nor further dealing with him. Whereupon the ſaid duke ſeeing that the match would be now to his diſadvantage, he endeavoured to break it, not for any ſervice to the kingdom, nor diſlike of the match in itſelf, nor for that he found, (as ſince he had pretended) that the Spaniards did not really intend the ſaid match, but out of his particular ends, and his indignation.

VII. That after he intended to croſs the marriage, he put in practice divers undue courſes; as namely, making uſe of the letters of his majeſty (then prince) to his own ends, and not to what they were intended; as likewiſe concealing divers things of high importance from his late majeſty, and thereby overthrew his majeſty's purpoſes, and advanced his own ends.

VIII. That the ſaid duke, as he had with his ſkill and artifices formerly abuſed their majeſties, ſo to the ſame end he afterwards abuſed both houſes of parliament, by his ſiniſter relation of the carriage of affairs, as ſhall be made appear almoſt in every particular, that he ſpake unto the ſaid houſes.

IX. As for ſcandal given by his perſonal behaviour, as alſo the employing of his power with the king of Spain for the procuring of favours and offices which he beſtowed upon baſe and unworthy perſons, for the recompence and heir of his luſt: theſe things, as neither fit for the earl of Briſtol to ſpeak, nor indeed for the houſe to hear, he leaveth to your lordſhips wiſ-

dom,

Charles I. dom, how far you will be pleaſed to have them examined; it having been indeed a great infamy and diſhonour to this nation, that a perſon of the duke's great quality and employments, a privy-counſellor, and ambaſſador, eminent in his maſter's favour, and ſolely truſted with the perſon of the prince, ſhould leave behind him in a foreign court ſo much ſcandal as he did by his ill-behaviour.

X. That the duke hath been in great part the cauſe of the ruin and misfortune of the prince Palatine, and his eſtates, inaſmuch as thoſe affairs had relation unto this kingdom.

XI. That the duke of Buckingham hath in his relations to both houſes of parliament, wronged the earl of Briſtol in point of his honour, by many ſiniſter aſperſions which he hath laid upon him, and in point of his liberty by many undue courſes, through his power and practices.

XII. That the earl of Briſtol did reveal unto his late majeſty, both by word and letter, in what ſort the ſaid duke had diſſerved him, and abuſed his truſt: and that the king by ſeveral ways ſent him word, that he ſhould reſt aſſured, he would hear the ſaid earl, but that he ſhould leave it to him to take his own time. And thereupon, few days before his ſickneſs, he ſent the earl word, that he would hear him againſt the ſaid duke, as well as he had heard the ſaid duke againſt him. Which the duke himſelf heard; and not long after his bleſſed majeſty ſickned and died, having been in the interim much vexed and preſſed by the ſaid duke.

Articles of the earl of Briſtol againſt the lord Conway, bearing date 1 Maij 1626.

I. THAT the lord Conway is ſo great a ſervant of the duke of Buckingham's, that he hath not ſtuck to ſend the earl of Briſtol plain word, that if buſineſſes could not be accommodated betwixt him and the duke, he muſt then adhere and declare himſelf for the ſaid duke; and therefore unfit to be a judge in any thing that concerneth the duke or the earl.

II. That the ſaid lord Conway profeſſeth himſelf to be a ſecretary of the duke of Buckingham's creation, and ſo acknowledgeth it under his own hand: and although that he be the king's ſecretary of ſtate, and a privy-counſellor, he uſually beginneth his letters to the duke, [Moſt gracious patron.]

III. That as a creature of the ſaid duke's, the ſaid lord Conway hath been made the inſtrument of keeping the earl of Briſtol from the king's preſence, and of impriſoning of him by warrants only under his own hand; for which he cannot (as the earl conceiveth) produce any ſufficient warrant.

IV.

IV. That by the ſpace of twelve months laſt paſt, the ſaid lord Conway hath been the cauſe of the earl's reſtraint, only by miſinforming his majeſty, and procuring a letter of reſtraint upon undue grounds: and when it was made apparent unto him, that the ſaid earl was reſtored to his liberty, freely to follow his own affairs, by his late majeſty of bleſſed memory, he replied, that that liberty given him by his majeſty expired with the king's death. Charles I.

V. That the earl of Briſtol's mother lying ſick upon her death-bed, deſired for her comfort to ſee her ſon, and to give him her laſt bleſſing: whereupon the earl writ to the lord Conway, to deſire him to move the king for his leave; which he putting off from day to day, told the perſon employed, that by reaſon of the duke's ſickneſs, he could not find opportunity to get the duke's leave to move the king: and having ſpoken with the duke, he made a negative anſwer in the king's name. Whereupon when the earl acquainted the king by ſome of his bed chamber, his majeſty was in a very great anger, ſwearing the ſecretary had never moved him, and that to deny the ſaid earl leave, was a barbarous part; and thereupon ſent him preſently free leave, which the ſecretary hearing of, ſent afterwards a letter of leave, but with divers clauſes and limitations, differing from the leave ſent him from the king's own mouth.

VI. That the having the buſineſſes of the earl of Briſtol in his own hands, and the earl being commanded by the king to addreſs himſelf in his occaſions unto his lordſhip, he would never deliver any meſſage from the ſaid earl, without acquainting the ſaid duke, and receiving his directions, and in a noble manner of freeneſs, ſtuck not to ſend him word.

VII. That the earl of Briſtol having received from the lord Conway twenty interrogatories in his late majeſty's name, drawn up by a commiſſion of the lords appointed to ſearch into the proceedings and employments of the ſaid earl, in which ſearch there was more than two months ſpent, divers of the ſaid interrogatories involving felony and treaſon; and his majeſty having been pleaſed to aſſure the ſaid earl, both by meſſage and letters, that upon ſatisfaction given to himſelf and the commiſſioners by his anſwers, he would preſently put an end to the earl of Briſtol's buſineſs. The earl of Briſtol having ſo fully anſwered, as would admit of no reply; and that many of the commiſſioners declared themſelves to be fully ſatisfied: the ſaid lord Conway, (being the ſecretary in the commiſſion, to whom it properly belonged to call the lords to aſſemble) perceiving the earl of Briſtol was like to

Charles I. be cleared, never moved for any further meeting, neither have they ever been permitted to meet until this day, whereby the troubles of the earl of Briſtol have been kept on foot till this preſent, and the ſaid earl's impriſonment hath been enlarged twenty months. And by the artifices of the ſaid duke of Buckingham, and the ſaid lord Conway, (as ſhall be made appear) the ſa'd earl hath been inſenſibly involved and ſtaulked into the troubles he is now in, which he doubteth not but your lordſhips will judge to be a very conſiderable caſe.

VIII. That for a colour of keeping the earl from his late majeſty's preſence, it being pretended, after the anſwer to the twenty interrogatories, that there were ſome few queſtions more to be added, whereunto when we ſhould have anſwered, his majeſty ſwore ſolemnly, that without any delay he ſhould be admitted to his preſence, and that within two or three days he ſhould have the ſaid queſtions ſent unto him; the lord Conway, notwithſtanding he acknowledged under his hand, that he had received his majeſty's directions for the ſending of the ſaid articles, and was often thereunto ſollicited on the behalf of the ſaid earl, would never ſend the ſaid queſtions, and at laſt anſwered, that he had no more to do with the earl's buſineſſes.

IX. That the earl of Briſtol being ſet free by his late majeſty to come to London, to follow his own affairs as he pleaſed, and thereupon having his writ of parliament ſent unto him, without any letter of prohibition; but the earl of Briſtol, out of his great deſire to conform all his actions to that which he ſhould underſtand would beſt pleaſe his majeſty, ſent to know, whether his going or ſtay would be moſt agreeable unto his majeſty? Who was pleaſed to anſwer by a letter from my lord duke of Buckingham, that he took in very good part the ſaid earl's reſpect unto him; but wiſhed him to make ſome excuſe for the preſent: the which accordingly he did, and moved, that he might have a letter under the king's hand to warrant his abſence; but under colour of this letter of leave, upon the earl of Briſtol's own motion and deſire, the lord Conway ſent a letter from his majeſty, abſolutely forbidding his coming to parliament, and therein likewiſe was inſerted a clauſe, that the earl ſhould remain reſtrained as he was in the time of his late majeſty; and ſo thereby a colour of reſtraint under his majeſty's hand was gotten, which could never be procured in his late majeſty's time; whereby the earl of Briſtol hath been unduly reſtrained ever ſince, without being able to procure any redreſs, or to make the lord Conway willing to underſtand his caſe, although he ſent him all the papers,

whereby

whereby he might clearly ſee that the earl was not under re- Charles I.
ſtraint in his late majeſty's time; but never other anſwer could be procured from him, but that he judged the ſaid earl to be under reſtraint, and that his liberty was expired by the late king's death, as is aforeſaid.

X. That the lord Conway, knowing that the match for the marrying of the king of Bohemia's eldeſt ſon with the emperor's daughter, and being bred in the emperor's court, was allowed and propounded by his late majeſty: and that his majeſty, by his letters unto his ſon-in-law, declareth, that he thinketh it the faireſt and cleareſt way for the accommodation of his affairs, and that he will take ſufficient care for his breeding in true religion. And notwithſtanding that the ſaid earl received a copy of the ſaid letter by the ſaid king's order, with other papers, ſetting down all that had been done in the ſaid buſineſs, and his majeſty's aſſent thereunto from the lord Conway himſelf; yet hath he ſuffered all to be charged as a crime againſt the earl of Briſtol, both in the twentieth interrogatory, and in his majeſty's laſt letter, that he ſhould conſent to the breeding of the young prince in the emperor's court. And further, in the interrogatory he alledgeth, it is an aggravation againſt the ſaid earl, that the breeding of the ſaid prince in the emperor's court, inferred to the perverſion of his religion, when he knew that the ſaid breeding was never thought nor ſpoken of by the king, nor any other, but with that expreſs clauſe and condition, that he ſhould be bred in his own religion, and have ſuch tutors and ſervants as his father ſhould appoint.

XI. That the lord Conway had been the cauſe of all the earl of Briſtol's troubles, by his dubious and intrapping diſpatches, and inferring, that the ſaid earl hath failed in his directions, when it ſhall be made appear, that his diſpatches contained no ſuch directions as he hath alledged were given.

The houſe not being ſatisfied to commit the earl to the Tower, let him remain where he was before, with the gentleman-uſher; and further ordered, that the king's charge againſt the earl of Briſtol be firſt heard, and then the charge of the ſaid earl againſt the Duke; yet ſo, that the earl's teſtimony againſt the duke be not prevented, prejudiced, or impeached.

The day following, the lord-keeper delivered a meſſage from the king to the houſe of lords.

A meſſage from the king to the houſe of lords.

"THAT his majeſty taketh notice of the articles exhibited againſt the duke of Buckingham by the earl of Briſtol: and he obſerveth, that many of them are ſuch, as himſelf is able to ſay more of his own knowledge than any man, for the duke's ſincere carriage in them: that one of them, touching the narrative made in parliament in the one and twentieth of king James, trencheth as far upon himſelf as the duke; for that his majeſty went as far as the duke in th t declaration; and that all of them have been cloſed in the earl's own breaſt now for theſe two years, contrary to his duty, if he had known any crime of that nature by the duke; and now he vents it by way of recrimination againſt the duke, whom he knows to be a principal witneſs to prove his majeſty's charge.

"And therefore, that his majeſty gave them thanks, that they gave no way to the earl of Briſtol's unreaſonable motion, of putting the duke under the ſame reſtraint that they had put the earl, thereby eſchewing what the earl aimeth at, to alter their dutiful proceedings towards his majeſty: that thereby they had made his majeſty confident, that as they have, ſo they will put a difference between his majeſty's charge, againſt one that appeareth as a delinquent, and the recrimination of the earl of Briſtol againſt his majeſty's witneſs; and they will not equal them by a proceeding pari paſſu."

In the mean time, the king not being very ſure of the lords, endeavoured to take the earl's cauſe out of the upper-houſe, and to proceed by way of indictment in the King's-Bench: but the lords would not conſent to it, for which they alledged ſeveral reaſons, that were confirmed by the judges, who declared, "That a peer of the realm, impeached for treaſon, "was to be tried in parliament."

The upper-houſe being willing to ſecure the earl of Briſtol from being over-powered by the duke of Buckingham's exorbitant authority, aſked the judges opinion upon the two following queſtions:

"1. Whether the king could be a witneſs in caſe of treaſon?

"2. Admitting that he could, yet whether he might be ſo "in the preſent caſe, i. e. when the king is the informer?"

Before

Before the judges brought in their anſwer, this meſſage and command came from the king to them, that in this general queſtion they ſhould not deliver any opinion, but if any point came in particular, they, upon mature deliberation, might give their advice. Charles I.

About the middle of May, the earl of Briſtol gave in his anſwer to the articles brought againſt him; upon the delivering of which, he made the following ſpeech.

The earl of Briſtol's ſpeech, by way of introduction, before he gave in his anſwer.

"I AM not inſenſible upon what diſadvantages I come to "trial in this cauſe: for firſt, I am fallen into his majeſty's "heavy diſpleaſure, and am to encounter with a potent ad- "verſary, highly in favour, and am accuſed for treaſon; for "which all counſel and friends abandon me, as a man in- "fected with the plague; I am become bound and under re- "ſtraint; whereas a man who is to encounter for his life "and honour, and with a ſtrong adverſary, had need to come "upon equal terms.

"But as to the matter, I find myſelf charged with divers "articles of high-treaſon; but looking into them with the "eyes of my beſt underſtanding, with the opinion alſo of my "counſel lately aſſigned me, and taking them apart one ar- "ticle from another, I find not any thing in them like trea- "ſon, or that hath ſo much as the ſhew or countenance of "a fault, either in act or words; only by laying all things "together, and by wreſting the wreſts with a ſtrained con- "ſtruction, directly contrary to the true ſenſe and meaning "of them, and the occaſion whereupon they were ſpoken, it "is informed, and that by the way of inference only, that "the intent was evil, and the matter to prove the intent to "be evil, depends upon two props, viz. ill-affection to reli- "gion, and too much affection to Spain; which if I ſhall "clear, the inference grounded upon theſe props, will fall "of itſelf.

"Therefore I crave leave of your lordſhips, before I give "my anſwer to the charge, that I may give you an account "of theſe two particulars; and I humbly beſeech you that "what I ſhall ſpeak in my juſt defence, may not be con- "ceived to proceed of vain oſtentation.

"And firſt for religion: I was in my childhood bred in "the proteſtant religion, and rather after the ſtricter manner "than otherwiſe. When I grew in years fit, I travelled into

Charles I. "France, Italy, and Rome itſelf: in all which travels, I can
"produce ſome that I conſorted withal, who will witneſs
"with me, that I ever conſtantly uſed the religion I profeſſed
"without the leaſt prevarication, no man being able to
"charge me that ſo much as out of curioſity I never was
"preſent at any of the exerciſes belonging to the Roman re-
"ligion, or did the leaſt act of conformity to any their rites
"or ceremonies.

"Secondly, after my return home, I was received into the
"ſervice of his late majeſty, of bleſſed memory, whom I ſerv-
"ed ſome years as a gentleman of his privy-chamber, and
"carver, in which time none of his majeſty's ſervants re-
"ceived the holy ſacrament, frequented ſermons, and other
"exerciſes of our religion more than I.

"Thirdly, in that time of my youth, not to avoid idle-
"neſs, but out of affection to religion, I tranſlated that ex-
"cellent book of our faith, and great points of our religion,
"written by monſieur Moulins; which his late majeſty hav-
"ing ſometimes after ſeen, approved ſo well, that he would
"needs have it printed; which accordingly was printed in
"the name of Mr. Sampford my chaplain, to whom I gave
"the honour: but it was my own act, as Mr. Sampford
"will not deny, though to this hour I never had before
"ſpoken it.

"Fourthly, about ſeven or eight and twenty years of my
"age, I was employed ambaſſador into Spain, in that great
"buſineſs of the treaty of the marriage; and whereas others
"before me carried with them but one chaplain, I had two,
"viz. Mr. Sampford and Mr. Boſwel; and at my arrival at
"the court of Spain, I cauſed it to be publiſhed, that ſuch a
"day (God willing) I purpoſed to have a communion, to
"the end that ſuch Engliſh as were in the town, might re-
"ſort thither. Whereat the duke de Lerma, and other the
"great miniſters of Spain, took offence, and told me, they
"might well perceive I brought no good affection to the buſi-
"neſs I came about, that would ſo publicly and avowedly
"in that court, where never the like was done, proclaim
"there a communion; and with high expreſſions perſuaded
"me to decline it. Whereunto I anſwered, I came to do
"my maſter's ſervice, which I would heartily and effectually
"endeavour, but would not omit my ſervice to God, no tho'
"by my maſter commanded. And at the communion there
"were preſent one hundred perſons, ſome of them brothers,
"kinſmen, and near dependants upon ſome of their lord-
"ſhips, whom I ſee there in my eye. This I did in Spain;

"the

" the like I did in Germany, in the emperor's courts, in my Charles I.
" ambaſſage thither.

" Fifthly, I had in my ſeveral employments into Spain
" and Germany, above five hundred perſons of all qualities
" attending upon me, and never one perverted in religion;
" my children carefully inſtructed and bred in the ſame re-
" ligion. I had conſtantly every Sabbath a ſermon in my
" houſe; and ſacraments, and other exerciſes of our religion
" frequented.

" Sixthly, a foul-mouthed Shimei railed againſt our late
" king and religion in Spain; how I cauſed that to be re-
" venged by a near kinſman of my own, is well known.

" Seventhly, one of the Engliſh dying in the town of Ma-
" drid, of whoſe religion there was ſome queſtion made;
" and the king's chaplains telling me, that they at the day
" of his death had been with him, and taken an account of
" his faith, and that he died a proteſtant: I cauſed him to
" be brought home to my houſe, and there buried according
" to our rites; whereat much ado was made, and it was
" threatned, that the inquiſitors and other officers, would
" come and fetch him out, and bury him after their manner:
" I ſtood upon it, and that in the king of England's
" houſe, and openly proteſted, that whoſoever ſhould come
" thither with ſuch intent, I would ſhoot him with a piece;
" and exhorted all my people, that if ſuch an attempt ſhould
" be, they ſhould rather, than ſuffer ſuch a diſhonour to our
" religion, die with me in that quarrel, and hoped ſuch Eng-
" liſh as were in the town would do the like.

" Eighthly, there having been a monaſtery for Engliſh je-
" ſuits founded and ſettled at Madrid before my coming thi-
" ther, and the Engliſh arms ſet up, I laboured to ſuppreſs
" it, and having written thereof to the late king, his majeſty
" adviſed me not to run my head againſt the rock, for it was
" an impoſſible thing for me to do: yet I undertook it, and
" it pleaſed God to bleſs my endeavours, that I abſolutely
" diſſolved and overthrew it. For which the biſhop of Win-
" cheſter, Montague, (now with God) wrote unto me by
" his majeſty's direction, a letter of his majeſty's gracious ac-
" ceptance of ſo great a ſervice; telling me, beſides the ſer-
" vice I had done to the church and commonwealth, it ſhould
" remain a trophy of honour to me and my poſterity for ever:
" and the king himſelf, with his own hand, wrote unto me,
" beginning his letter, " Good fortunate Digby, your good
" luck in your ſervice well deſerves that ſtyle."

Charles I.

" Ninthly, in all negotiations in Spain, in point of religion, I ever ſtraitned my inſtructions.

" Tenthly, the match with Spain was not moved by me; " I ever adviſed a proteſtant match, and ſhewed many reaſons " both of conſcience and ſtate; but if with a catholic, then " rather with Spain than France, ſo as good conditions might " be made for religion, as appears by a letter I wrote, and " delivered to the prince, at his firſt going upon the employ- " ment; for which I had like, then to have been ruined for " being a puritan, as I am now for being a papiſt, and all by " one and the ſame hand.

" Eleventhly, and I appeal to the teſtimony of Dr. Maſon " and Dr. Wren, the king's chaplains with me in Spain; " and to Mr. Sampford, Mr. Boſwel, and Mr. Frewin, my " own chaplains there. And that ſuch papiſts as have been " my antient acquaintance and friends, being men of worth, " well known to many of their lordſhips, may be examined " upon oath, whether I have not in all places, as well in " Spain as in England, and at all times upon fit occaſions, " avowed myſelf a proteſtant, without the leaſt prevarication? " Or whether I did ever any the leaſt act that was not ſui- " table to the ſame profeſſion? And that Mr. Frewin, Mr. " Wake, my own chaplains, may give their teſtimonies, whe- " ther in the time of ſeveral dangerous ſickneſſes, which I " had of late years fallen into, I have not in the time of ſuch " my ſickneſſes (when no man can be ſuppoſed to diſſemble " with the world, being ready to leave it) made before them " a confeſſion of my faith, and made my peace with God, " reſolving to die as befitted a proteſtant, and a good chri- " ſtian. This I tell your lordſhips was the religion I was " bred in, have ever profeſſed and lived in, and was reſolved " by God's grace to die in; and yet was ſo unhappy, by " reaſon of employment, to be diſtaſteful to many good " men, that I have been ſuſpected even by them, not well " knowing me: and this hath been the riſe the duke hath " now taken againſt me. Then for my love to Spain, I " wonder from whence that opinion ſhould grow, ſince I " was there hated and ſhamed, as the man whom, of all " others, they deſired to have the leaſt to do withal, having " ſtood ever ſtricter in point of religion, than by my inſtruc- " tions I might have done; as after the capitulation con- " cluded on, they underſtood by ſome intelligence, which " cauſed their hatred towards me.

" Sure I am, I ſhewed it not by the ſervice I did them; " for divers years together there was not a letter ſent by that

" king

" king to any other ſtate, that the king my maſter had not a Charles I.
" copy of before, or by that time it came to the place whither
" it was directed. There was not any great action on foot,
" whereof I had not the private inſtructions, and ſent them
" hither: not any expedition by ſea or land, wherein I had
" not ſome miniſters or intelligencers, that gave me from time
" to time advertiſements of their actions, and moſt private
" intentions, whereof I advertiſed his majeſty from time to
" time. I uſed ſuch induſtry, as to get all the papers of that
" king's private cabinet into my hands; took copies and
" notes of ſuch of them as I thought uſeful, and upon every
" of them ſet my private mark before they were conveyed
" back again, to the end, that if I ſhould have had an occa-
" ſion to have charged him with any thing mentioned in the
" ſame papers, I might have let him ſee I knew it, by telling
" him what paper it was, and marked with ſuch a mark.

" There was not a port in Spain, that I had not cauſed
" the depth of it to be ſounded, not a fort whereof I knew
" not the ſtrength, both for the garriſon, munition, and other
" matters of advantage and diſadvantage; inſomuch as if it
" ſhould pleaſe the king to appoint a committee of the
" lords to take an account of me, I ſhould, by the ſtores I
" gathered there, and brought with me, make it appear, I
" was as uſeful a ſervant to his majeſty in a war, as in a
" peace. Whereas at his majeſty's coming out of Spain,
" the powers of the deſponſories were to be depoſited in
" ſome man's hands; and the duke, upon pretence of doing
" me honour, but intending to break my neck by it, moved
" they might be left with me, and the king of Spain was
" contented; and ſo they were put into my hands, not as an
" attorney only for the prince: but the king of Spain having
" taken the ſubſtitution of them by his ſecretary of ſtate, en-
" tered in legal form; whereby that king was then become
" intereſted in them by their occupation, as well as the prince
" by granting of them. And becoming the Inſtrumentum
" ſtipulatum, wherein they were both intereſted, they were
" depoſited in my hands, as an indifferent perſon, truſted be-
" tween the king of Spain and the prince with a declaration
" of the truſt. And now the duke was returned out of
" Spain, he plotted my ruin, and put it in execution in this
" manner. He concealed that the powers were to expire
" at Chriſtmaſs, and procured his majeſty to write a letter,
" (not a direct command) but expreſſing a deſire that the de-
" ſponſories ſhould not be till one of the days in Chriſtmaſs,
" intending thereby to draw me into a dilemma, that if I

" proceeded

Charles I. "proceeded in the match, this letter ſhould, as now it is, "have been enforced againſt me, as a breach of inſtructions: "if I had not proceeded, then I had broken my truſt between "the prince and king of Spain, overthrown the marriage ſo "long ſought and laboured, it being the main ſcope of my "ambaſſage, contrary to expreſs warrant, and that upon a "letter, I muſt needs know to be a miſtake. And when I "had written into England, to have a direct warrant in the "point, the duke then ſeeing that plot would not take, he "dealt with divers great lords, as was well known to ſome "of their lordſhips there preſent, to have me upon my ar-"rival in England, committed to the Tower, before I "ſhould ever come to ſpeak with the king; which the Spa-"niſh ambaſſador here in England, having gotten private "notice of, gave advertiſement thereof to that king; who "thereupon foreſeeing my danger, and conſulting with his "council and divines, what were fit for him in honour and "conſcience to do in that caſe, they reſolved, that ſeeing "my ſufferings grew by being an honeſt man, and endea-"vouring to perform the truſt repoſed in me by that king as "well as the prince; that king was bound both in honour "and conſcience, not only to preſerve me from ruin, but to "make me a reparation for any loſs I ſhould ſuſtain by occa-"ſion of the truſt: whereupon, at his departure going to "court to take his leave, the conde Olivares told me what "was plotted againſt me in England; and in reſpect of the "danger, by reaſon of the greatneſs of my adverſary, per-"ſuaded me to ſtay there, and in his maſter's name made "an offer, not in ſecret, but in the preſence of ſir Walter "Aſton."

Ruſhworth, tom. i. p. 113. Here the earl of Briſtol explained wherein thoſe offers conſiſted, namely, in a blank ſigned by the king of Spain, wherein the earl might ſet down his own conditions, both in point of title and fortune. But all this he refuſed, as well as a large ſum of money offered by the king. Then the earl concluded in the following manner:

"Upon what grounds and hope came I to encounter with "thoſe dangers? Not upon hope of my greatneſs in court, "and ſtrength of friends there to bouliſter out an ill cauſe; "no, ſure, my ſtrength was too weak, and my adverſaries "too powerful. But I knew my conſcience was clear, and "my cauſe good, and truſt in God Almighty. And to him "now, and to their lordſhips judgments, recommend my-"ſelf and my cauſe."

The

The anſwer of the earl of Briſtol to the articles of accuſation brought againſt him by his majeſty's attorney general.

I. THE firſt article he denieth; and becauſe the matters contained in the ſaid article conſiſt of ſeveral parts, viz. the loſs of the ſaid Palatinate, and the match with the ſaid lady of Spain, and of the ſeveral employments, as of one extraordinary ambaſſage to the emperor, and another to the king of Spain, in the years 1621, 22, and 23. He humbly craves leave of this moſt honourable court to ſeparate the buſineſſes, and diſtinguiſh the times.

And beginning with the Palatinate firſt, to give an account of his ambaſſage to the emperor, and ſo to make as brief a deduction as he could of the whole carriage in that buſineſs, from the beginning of his employment to the time he left it. In his ambaſſage to the emperor, he propounded all things faithfully according to his inſtructions; and the anſwers which he returned to his late majeſty of bleſſed memory, were the very ſame and no other than ſuch as were given by the emperor under his hand and imperial ſeal; the which, according to his duty, he faithfully ſent unto his ſaid majeſty, and withal did honeſtly and truly advertiſe his ſaid majeſty, what he underſtood and thought them upon the place; but was ſo far from giving to his majeſty any ill-grounded hopes in that behalf, that he wrote unto the lords of the council here in England from Vienna, 26 July, 1624, in ſuch ſort as followeth:

" I Am further to inform your lordſhips, that there may be " a diſpatch made preſently into Spain, to his majeſty's " ambaſſador Mr. Cottington, that they deal effectually for " the repairing and ripening of the buſineſs againſt my com- " ing; that they uſe ſome plain and direct language, letting " the miniſters there know, that the late letter ſent by the " king of Spain to the emperor, was colder and more reſerv- " ed than his maſter had reaſon to expect. I ſhall conclude " with telling your lordſhips, that although I deſpair not of " good ſucceſs in that knotty buſineſs, yet I hope his majeſty " and your lordſhips lay not aſide the care of all fitting " preparations for war, in caſe a peace cannot be honourably " had. And amongſt other things, I moſt earneſtly com- " mend unto your lordſhips, and by your lordſhips unto his " majeſty, the continuing yet abroad, for ſome ſmall time, " of ſir Robert Manſel's fleet upon the coaſts of Spain; " which,

Charles I. "which, in caſe his majeſty ſhould be ill uſed, will prove "the beſt argument we can uſe for the reſtitution of the "Palatinate."

And this his advice, he ſaith, was wholly intended by his actions, by being the cauſe, as he returned homeward out of Germany, to bring down count Mansfield, whereby the town of Frankendale was relieved, by ſupplying of his majeſty's army, when in great diſtreſs, with moneys and plate, to the value of ten thouſand pounds, merely out of his zeal and affection to the good of the king and his children, having no warrant or order, but that his heart was ever really bent in effects more than in ſhews, to ſerve the king's ſon-in-law and his cauſe, as by the diſcourſe of this buſineſs will appear. And how acceptable theſe ſervices were, will more appear, by the letters of the queen of Bohemia, in theſe words following:

"My lord,

"HAVING underſtood from Heidelburgh, how you have "ſhewed your affection to the king and me in all things, "and in the help of money you have lent our ſoldiers; I "cannot let ſo great obligations paſs, without giving many "thanks for it by theſe lines, ſince I have no other means to "ſhow my gratefulneſs unto you: howſoever, aſſure your-"ſelf that I will never be forgetful of the teſtimonies you "give of your love, which I intreat you to continue, in do-"ing the king and me all good offices you can to his ma-"jeſty. You have been an eye-witneſs of the miſerable "eſtate our countries are in; I intreat you therefore to ſol-"licite his majeſty for our help. You having given me an "aſſurance of your affection; I intreat you now to ſhow it "in helping of us by your good endeavours to his majeſty, "and you ſhall ever bind me to continue, as I am al-"ready,

"Your very affectionate friend,

ELIZABETH.

Which letters were ſeconded with others about the ſame time, both from the king of Bohemia and council of Heidelburgh, to the ſame effect, and how much ſatisfaction his late majeſty received in that behalf, and touching that buſineſs, will plainly appear ſeveral ways, and particularly by his ſpeech in parliament. And the ſaid earl likewiſe appealeth to both

houſes

houſes of parliament, to whom by his late majeſty's order, he gave a juſt and true account of that employment, with what true zeal he proceeded; and how he preſſed that ſingle treaty, and promiſes no longer to be relied on, but that a fitting preparation for war might go along hand in hand with any treaty of accommodation. And for a concluſion, among many of his late majeſty's approbations of his carriage in this employment, he humbly deſired that a letter of the duke of Buckingham's under his own hand, bearing date the 11th of October, 1621, may be produced, being as followeth: Charles I.

" My lord,

" I Am exceeding glad that your lordſhip hath carried your-
" ſelf ſo well in this employment, that his majeſty is infi-
" nitely pleaſed with your ſervice you have done, for which
" he commanded me to give your lordſhip thanks in his
" name, until he ſee you himſelf. You, of all men, have
" cauſe to commend his majeſty's choice of ſuch a man, that
" unleſs your heart had gone with the buſineſs, you could
" never have brought it to ſo good a paſs. Amongſt other
" things, his majeſty liketh well the care of clearing his ho-
" nour, whereof he will adviſe further with your lordſhip at
" your next coming over. I hope you will not find your ne-
" gotiation with the infanta of ſuch difficulty as you ſeem to
" fear in your letter, ſeeing my brother Edward hath brought
" with him a letter from his majeſty's ſon-in-law, whereby
" he putteth himſelf ſolely to his majeſty's advice and plea-
" ſure for his ſubmiſſion, as you will perceive by the copy of
" the letter itſelf, which I here ſend your lordſhip; where-
" in, though there may be many things impertinent, yet of
" that point you may make good uſe for the accompliſhment
" of the buſineſs, wherein I have written to the Spaniſh
" ambaſſador to uſe his means and credit likewiſe; which I
" aſſure myſelf he will effectually do, eſpecially ſeeing the
" impediments are taken away by count Mansfield's compo-
" ſition, and the conformity of his majeſty's ſon-in-law, to
" this ſubmiſſion. For the money your lordſhip hath ſo ſea-
" ſonably laid forth, his majeſty will ſee you ſhall ſuſtain no
" loſs, holding it very unconſcionable you ſhould ſuffer by the
" care of his ſervice; which you have ſhowed ſo much to his
" contentment, to the great joy of your lordſhip's faithful
" ſervant,

GEO. BUCKINGHAM.

Having

Charles I. Having given this account of his employment with the emperor, he humbly craveth leave to make it known, in what ſort, before this his employment, he endeavoured to ſerve the prince Palatine, and his cauſe, which will beſt appear by his majeſty's own teſtimony, upon the going of ſir Francis Netherſole to the prince Palatine; at which time his majeſty being, out of his royal and juſt heart, deſirous to do a faithful ſervant right, commanded ſir Francis Netherſole to let the prince Palatine underſtand how good a ſervant the ſaid earl had been unto him, and how active in his affairs, as will beſt appear by a diſpatch of ſir Francis Netherſole, written all with his own hand to ſir George Calvert, dated in Prague, Auguſt 11, 1620, and ſent by his late majeſty to the ſaid earl for his comfort, being as followeth;

"Right honourable,

"THAT you may be the better aſſured that I have neither forgotten nor neglected the commandments received from his majeſty by your honour; you will be pleaſed to have the patience to hear me report what I ſaid to this king upon the delivery of my lord deputy's letters to his majeſty; which was, that the king my maſter, whoſe juſtice is ſo renowned over the world, did uſe to ſhow in nothing more than in vindicating his ſervants from wrongful opinions, whereof he knew noble hearts more ſenſible than of injuries done to their perſons or fortunes; that out of his royal diſpoſition, his majeſty having found my lord Digby miſtaken by ſome of his own people at home, by occaſion of his being by him employed in the affairs with Spain, having thereupon received a jealouſy, that the ſame noble lord might be alſo miſreported; hitherto his majeſty's hands in that reſpect gave me a particular commandment, to aſſure his majeſty he had not a more truly affectionate ſervant in England: and for proof thereof, to let his majeſty underſtand, that whereas the baron of Doncaſter, now his majeſty's ambaſſador for England, had, ſince his coming hither, obtained but three great boons for his majeſty's ſervice, viz. the loan of money from the king of Denmark, the contribution in England of the city and countries, and the ſending ambaſſadors to the contrary parties, that my lord Digby had been the firſt propounder of all thoſe to the king my maſter, before his majeſty's ambaſſador, or any other of his majeſty's ſervants in England: although his lordſhip were contented that

"others

" others who were but ſet on, ſhould carry away the thanks Charles I.
" and prayers, becauſe his lordſhip; being known to be the
" firſt mover therein, might poſſibly weaken the credit he
" hath in Spain, and to render himſelf the more valuable to
" ſerve both his own maſter and his majeſty; in which re-
" ſpect I humbly prayed his late majeſty to keep this to him-
" ſelf.

By which teſtimony it may appear, as the ſaid earl conceiveth, how he, the ſaid earl, beſtowed himſelf before his ambaſſage, and in his ſaid ambaſſage with his ſaid late majeſty's approbation thereof. Now he humbly craved leave to give your lordſhips account how he proceeded after his return from the emperor's court.

As ſoon as he came into England, he diſcovered unto his majeſty and the lords of the council, in what great want he had left the forces in the Palatinate, and ſollicited the preſent ſending away of money; thereupon thirty thouſand pounds were borrowed of ſir Peter Vanlore, ſir Baptiſt Hicks, and ſir William Cortine, and preſently ſent unto the Palatinate, beſides the ten thouſand pounds which he lent, for which he paid the intereſt out of his purſe for ſix months, having alſo given, not long before, five hundred pounds, by way of benevolence, to the ſervice of the ſaid Palatinate.

Now in the interim, betwixt his returns from the Engliſh coaſts, which was in November 1621, and his going into Spain in May 1622, he firſt gave his account as aforeſaid of his ambaſſage to both houſes of parliament, and moved them effectually as was poſſible for the ſupplying of his majeſty, and that the money might be wholly employed for the ſuccour of the Palatinate.

The parliament being diſſolved, he ſollicited with great care and induſtry the ſettling of ſome courſe for the ſupplying of the palatinate, and his majeſty was perſuaded to maintain eight thouſand foot, and ſixteen hundred horſe, under his ſtandard, and at his own purſe, in the Palatinate, to eſtabliſh a certain courſe for due payment of the ſaid army; the lord Chicheſter was, upon the ſaid earl's motion, ſent for out of Ireland, and the ſaid earl, by his majeſty's command took order for his diſpatch. In this eſtate the ſaid earl left his affairs at his departure towards Spain in May 1622, nothing doubting but that all things would have effectually and conſtantly been purſued, according to the order which was ſettled and reſolved on at his departure.

At

Charles I. At his arrival at the court of Spain, he preſently proceeded according to his inſtructions, preſſing the buſineſs of the Palatinate as effectually as he could, and faithfully laboured and effected from time to time (as far as to the point of negotiation) all particulars that were given him in charge, as it will appear by his late majeſty's letter upon every particular occaſion; and if by the accidents of war for that ſummer, the marquis of Baden, the count Mansfield, and the duke of Brunſwick, received each of them an overthrow) the ordering of whoſe affairs his majeſty ſo far complained of to his ſon-in-law, as to give order for the withdrawing of his forces, as will appear by his majeſty's letters on the 3d of June 1622, and alſo by his letters unto ſir Horace Vere, and the lord Chicheſter of the ſame date, if there was not a ſpeedy redreſs) if by any of thoſe accidents thoſe buſineſſes have miſcarried, the ſaid earl hopes he ſhall not be liable to the blame, it having no relation to him or to his employment, having ſo far and ſo honeſtly, with his beſt affections, employed his care and utmoſt ſervices in the buſineſſes, as his majeſty was pleaſed, by many ſeveral letters upon ſeveral occaſions, to ſignify his gracious receptance of his ſervice, as in his letters of November 24, 1622, written as followeth, viz.

" Your diſpatches are in all points ſo full, and in them " we receive ſo good ſatisfaction, as in this we ſhall not need " to enlarge any farther, but only tell you, we are well " pleaſed with this diligent and diſcreet employment of your " endeavours, and all that concerneth our ſervice; ſo we are " likewiſe with the whole proceedings of our ambaſſador, ſir " Walter Aſton.

Newmarket, Nov. 24, 1622. Thus we bid you heartily farewel.

And afterwards his majeſty was likewiſe pleaſed in his letters of January 8, 1622, a little before our gracious ſovereign lord the king, then prince his coming into Spain, as followeth:

" Concerning that knotty and unfortunate affair of the Pa- " latinate, to ſay the truth, as things ſtand, I know not what " you could have done more than you have done already."

And whereas it is objected, the Palatinate ſhould be loſt by the hopes he, the ſaid earl, gave by his letters out of Spain, it is an objection of impoſſibility; but there was nothing left but Manheim and Frankendale, when his firſt letters out of Spain could poſſibly come to his late majeſty's hands; for he did

did not begin to negotiate that buſineſs until Auguſt 1622, and about that time Heidelburgh, and all but Manheim and Frankendale was loſt; and Manheim he had ſaved by his induſtry, had it not been ſo ſuddenly delivered, as is by his majeſty acknowledged by letter of 24 November, 1622, written thus, viz. Charles I.

"And howſoever the order given to the Infanta, for the "relief of Manheim, arrived too late, and after the town "was yielded to Tilly; yet muſt we acknowledge it to be "a good effect of your negotiation, and an argument of that "king's ſincere and ſound intention."

And Frankendale being by the ſaid earl's means once ſaved, was again the ſecond time ſaved merely by the ſaid earl's induſtry, and procuring a letter from the king of Spain, dated the 2d of February 1623. Whereupon followed the treaty of ſequeſtration, which hath ſince continued. And he, the ſaid earl, was ſo far from hindering ſuccours by any letter or council of his, that he was the ſollicitor, and in great part the procurer of moſt of the ſuccours that had been ſent thither, as is formerly ſet down. And when his royal majeſty that now is, and the duke of Buckingham arrived at the court of Spain, they found the buſineſs of the Palatinate in ſo fair a way, that the Spaniſh miniſters told them the king ſhould give his late majeſty a blank, in which we might frame our own conditions; and the ſame he confirmeth unto us now; and the like touching this blank was likewiſe acknowledged by the duke of Buckingham, in his ſpeech in parliament, after the return of his majeſty out of Spain. And it will appear by the teſtimony of ſir Walter Aſton, and by his and the ſaid earl's diſpatches, that the ſaid earl wanted not induſtry and zeal in the buſineſs: inſomuch as the laſt anſwer the ſaid earl procured herein from the king of Spain, was fuller than he the ſaid earl was ordered by his late majeſty's lateſt letters to inſiſt upon. So, as by that which hath been alledged, the ſaid earl hopeth your lordſhips will be ſatisfied, not only that he wanted neither will nor induſtry, but that he hath, with all true zeal and affection, and with his own means, faithfully ſerved their majeſties and the prince Palatine in this cauſe: and for aſſurance in that affair, he had all that could be between Chriſtian princes; and if in the ſaid aſſurances there hath been any deceit, as by the ſaid articles is intimated, which he never knew nor believed, he referred it to God to puniſh their wickedneſs; for betwixt princes there can be no greater tie than their words, their hands, and ſeals, all which he procured in that behalf; and both the

Charles I. said earl and sir Walter Aston were so confident that the business would be ended to his late majesty's satisfaction, that in a joint dispatch to his late majesty of 24 November 1623, after his own majesty's return into England, they wrote as followeth, viz.

"We hope that your majesty may, according to your de-
"sire signified to me the earl of Bristol, by the letters of
"Octob. 8, give to your majesty's royal daughter this Christ-
"mass the comfortable news of the near expiring of her
"great troubles and sufferings, as unto the prince your son,
"in the congratulation of being arrived to a most excellent
"princess."

And having thus given your lordships an account of his proceedings touching the Palatinate, he will, by your lordships good favours, proceed to the other part of that charge, concerning the marriage.

And first touching his hopes and assurances, that he is charged to have given to his late majesty, and his ministers of state here in England, of the Spaniards real proceedings in the said match, when, he said, he knew he never meant it: He saith, he never gave any hopes of their real proceedings, but such, and the very same that were first given to him, without adding or diminishing; neither could he have done otherwise, either with honesty or safety. And he further saith, that the hopes he gave were not upon any intelligence; but as well in that of the match, as the other of the Palatinate, his advertisements were grounded upon all the assurances both of word and writing, that could possibly pass between christians, as will be made evidently appear by his dispatch of 9 September 1623, which he humbly desires may be read, if the length of it may not displease. The substance being to shew all the engagements and promises of the king of Spain, that he really intended the match. And the causes why the Conde Olivares pretended to the duke of Buckingham, that the match was not formerly meant, was only thereby to free himself from treating any longer with the said earl, to the end that he might treat for larger conditions, in point of religion with the said duke: The said Conde Olivares taking advantage of having the person of his majesty, then prince, in his hands. And with this dispatch the said earl acquainted his majesty that now is, in Spain, before he sent it.

And by this dispatch the earl doubted not, but that it will appear to this honourable court, that whilst the treating of this business was in hand, he proceeded in that, not only with

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care and induſtry, but with ſome meaſure of vigilancy. And for clearing an objection that hath been alledged, that the match was never meant before the duke's coming into Spain, nor after; the earl craveth leave to ſet down ſome few reaſons of many, which cauſed him to believe that the ſaid match was, and hath been really meant, and that it was ſo conceived by both their majeſties, and the king of Spain, and their miniſters on both ſides. Charles I.

For 1ſt, The duke of Buckingham certified his late majeſty, that the buſineſs of the marriage was brought to a happy concluſion; whereupon his late majeſty was pleaſed to give order to the duke and earl, to proceed in the buſineſs; which his ſaid majeſty would not have treated till the ſaid marriage was concluded, as will appear by a letter of his ſaid late majeſty, jointly to the duke of Buckingham, and the ſaid earl, of the 23 July 1623.

2dly, It will appear by letters of the ſaid lord Conway to the duke of Buckingham, bearing date September 4, 1623. That the ſaid duke had good aſſurance of the concluſion of the ſaid match; and upon this confidence were all things put in due execution in England, as had been capitulated; and the lord Conway and others faithfully agreed and ſettled all the points of immunity and liberty for the Roman catholics, and for the uſe of their religion, as was ſet down in their declaration, Auguſt 9, 1623, hereafter mentioned in the anſwer to the fifth article of this charge.

3dly, The very day his now majeſty and the duke of Buckingham departed from the Eſcurial in Spain, towards England, the ſaid duke ſolemnly ſwore to the treaty of the ſaid marriage, and the furtherance of it all that ſhould be in his power, upon the holy evangeliſts, in the preſence of the ſaid earl and ſir Walter Aſton.

4thly, The treaty of the ſaid marriage had been formerly ſigned, ſealed, and ſolemnly ſworn by the king of Spain: And when his majeſty, and that king took their leaves, he did ſolemnly, in the words of a king, faithfully and punctually proteſt to perform all that had been capitulated in the treaty of marriage; and thereupon embraced his majeſty at his departure, and ſent the very next day a letter, written all with his own hand to his majeſty, vowing and proteſting to make all good that he had capitulated or promiſed unto his majeſty at his departure the day before. So that if there were no true meaning on the part of Spain to make the marriage, as by Mr. Attorney is pretended, yet certainly the earl hath not been ſlightly deceived; neither can it be, as he con-

Charles I. conceiveth, any fault in him; ſince not only his late majeſty, but alſo his majeſty that now is, and the duke of Buckingham, being then both upon the place, did confidently believe, and that upon other grounds than miſ-informations, ſuggeſtions, and perſuaſions of the ſaid earl, that the marriage was really intended: And to that effect, both his late majeſty of bleſſed memory, and his moſt excellent majeſty that now is, after his return into England, wrote unto him, the ſaid earl, ſeveral letters, aſſuring him, that their intents and pleaſures, were to have the ſaid match proceeded in, and thereupon the proxies of his majeſty, then prince, were again inrolled and ſent unto the ſaid earl. So that the ſaid earl having ſo many and ſo great cauſes to be aſſured, that the match was really intended on both ſides, he conceiveth it will be hard for Mr. Attorney to make good that part of his charge, wherein he affirmeth, that the earl ſhould know the contrary, or the aſſurance to be upon falſe grounds, as in the ſaid article is alledged.

II. To the ſecond article, he directly denieth all the ſuppoſed offences wherewith he ſtands charged by the ſaid article. And for a clear declaration and manifeſtation of the truth and manner of his proceedings, he ſaith,

Firſt, As to the continuing the treaties upon generalities, that the temporal articles were by agreements on both ſides not to be treated or ſettled until ſuch time as the articles of religion were fully agreed on; for that it was held moſt proper and honourable for both ſides, firſt, to ſee if the difficulty of religion might be removed, before they paſſed to any further engagements. And the ſaid articles of religion, by reaſon of the pope's new demands ſent into England by Mr. Gage, were not ſigned nor condeſcended to by his late majeſty, nor his majeſty that now is, then prince, till January 5, 1622; and were then ſent away in poſt out of England to the ſaid earl by Mr. Simon Digby, who arrived with them at Madrid in Spain, about the 25th of the ſame month. But the earl's care was ſuch, to have no time ſpent in the ſettling of the temporal articles, that before he would condeſcend ſo much as de bene eſſe unto the articles of religion, that they ſhould be ſent back to Rome, he procured the king of Spain to promiſe, that within the time limited for procuring the deſponſories, which was by March or April following at the furtheſt, all temporal articles ſhould be ſettled and agreed, to the end that the infanta might be delivered at the ſpring, as by the king of Spain his anſwer in writing was declared to be the king's intention; and accordingly ſir Walter Aſton

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and the ſaid earl did not deal in general, but did moſt in- Charles I.
duſtriouſly labour to ſettle all in particular, viz. That the portion ſhould be two millions, it appearing, that it was ſo agreed by the late king of Spain [b]; that the diſpenſation coming, the deſponſories ſhould be within forty days after; and that Don Duarté de Portugal ſhould be the man that ſhould attend the infanta in the journey. And all other particulars neceſſary for the concluſion of the ſaid treaties, were, by ſir Walter Aſton and the ſaid earl, and the Spaniſh commiſſioners, drawn up into heads, in writing, and after many debates, they were conſulted with that king; and 2 Martij 1623 ſtilo vet. the Conde Gondomar, and the ſecretary don Andreas de Prada, were appointed to come home to the houſe of the ſaid earl, to ſignify unto ſir Walter Aſton and himſelf, as they did, that the king of Spain had declared his reſolution in all the particulars, and given them order to come to a ſpeedy concluſion with them in all things: And that king's anſwer to that concluſion, the earl ſaw and read, all written with the king of Spain's own hand.

On the ſeventh day of the ſaid month of March 1623, the king's majeſty, then prince, and the duke of Buckingham, arrived at Madrid; and the Spaniards took new laws, and the negotiation was put into a new form. So that whereas it is objected againſt the earl, that he entertained and continued the treaties ſo long upon generalities, he conceives it is not meant upon the ſpiritual articles; for they were ſuch as were ſent from Rome into England, from thence they came to the earl: And for the temporal articles, they were not to be ſettled and treated till the articles of religion were concluded. He conceiveth it cannot be alledged with any colour, that his majeſty was entertained with generalities, ſince the time that the ſaid articles of religion were brought unto the ſaid earl by Mr. Simon Digby, being about the 25th of January, there were but ſix weeks until March 7 following, when his majeſty, then prince, arrived in Madrid; and in the interim, all the above-mentioned particulars were ſettled. And the time that hath been ſpent in this treaty, hath not been through his, the ſaid earl's, default, in continuing upon generalities, without preſſing to particulars, but hath been cauſed, as well by difficulties which the buſineſs brought with it, as alſo with exterior accidents, viz. The wars of Bohemia, the death of two popes, and the late king of Spain, without the leaſt fault of the ſaid earl, as is acknowledged

[b] Philip III.

Charles I. by the late king of bleſſed memory, in the ſaid earl his inſtructions, on the 14th of March 1621.

Neither could any delay therein be attributed to him the ſaid earl; for he was employed in thoſe times into Germany and Flanders, and ſir Walter Aſton and ſir Francis Cottington, for the ſpace of three or four years, were reſident in Spain; from whence the hopes they gave were upon all the diſcreet grounds that miniſters can expect from a ſtate: But the earl re-aſſumed his buſineſs ſix months before his majeſty's coming into Spain; and he was ſo deſirous to ſee his majeſty, then prince, beſtowed, that he preſſed nothing ſo much, both to the king and prince, as that the prince might loſe no more time, and rather to break the match with Spain, than ſuffer any further delays; as will appear by his diſpatches from his firſt arrival at the court of Spain, until his majeſty, then prince, his coming. For in his letters of June 20, 1622, being the firſt he wrote after his firſt audience, he was ſo deſirous that no time might be loſt, that in them he craved leave of his majeſty, that in caſe he ſhould find any delays in Spain, he might, without expecting any order, take his leave, and come home.

Upon the return of ſir Francis Cottington, in September following, he wrote both to the king, and his majeſty then prince. To the king, as followeth:

"I ſhall preſume to add to that which Mr. Cottington "ſhall deliver unto your majeſty by word of mouth, of the "preſent eſtate of the match, what I conceive to be the "right way to bring it to a ſpeedy iſſue: That your majeſty "will be pleaſed poſitively to declare, what you will do in "point of religion, and that you will appoint me a certain "limited time, by which this king ſhould procure the diſ-"penſation, or conclude the match without it; and in caſe "there ſhall be any farther delay therein, that I may then "declare your majeſty to be free and diſengaged, to beſtow "the prince in ſuch ſort as you ſhall judge moſt convenient."

And to the prince, at the ſame time, wrote in theſe ſubſequent words, viz.

"That which will be neceſſary for his majeſty preſently to "do on his majeſty's part, is, to declare himſelf, how far he "will be pleaſed to yield in point of religion, as Mr. Cot-"tington will approve unto your highneſs; And that he ſet "a prefixed time to break or conclude the match, either "with the diſpenſation, or without the ſame. And for the "reſt, it may be left to my negotiation. But your highneſs

"may

„ may be pleaſed to haſten his majeſty's reſolution with all Charles I.
" poſſible ſpeed."

And the ſaid earl ſaith, that having received from his ſaid late majeſty his reſolution in point of religion, and a limited time according to his deſire, he was ſo preciſe and punctual therein, that although the making or breaking of the marriage depended upon it, he would not give one month's reſpite longer time for the procuring of the diſpenſation, until he had firſt acquainted his late majeſty therein, and received his directions under his own hand; as will appear by his majeſty's letters of October 25, 1622, as followeth:

" Right truſty and well beloved couſin and counſellor, we " greet you heartily well. Whereas by your laſt letter " written to our ſecretary, dated September 29, you are de- " ſirous to have our pleaſure ſignified unto you under our own " hand: whether we will be content or not to grant a month's " time longer, for the coming of the diſpenſation from Rome, " than we have already limited unto you, in caſe they ſhall " there conclude all things elſe for our contentment, with a " reſolution to ſend the infanta hither the next ſpring; we " do hereby declare unto you, that in that caſe you ſhall not " break with them for a month's longer delay. We alſo " wiſh you not to trouble yourſelf with the raſh cenſure of " other men, in caſe your buſineſs ſhould not ſucceed; reſt- " ing in that full aſſurance of our juſtice and wiſdom, that " we will never judge a good and faithful ſervant by the " effect of things ſo contingent and variable. And with this " aſſurance we bid you heartily farewell."

And he further ſaith, That when he had agreed to the articles of religion, and that a certain time was ſet for the coming of the diſpenſation, and a concluſion of the match, although he would bind himſelf to nothing, without his majeſty's approbation, yet for that no time might be loſt, he agreed to the propoſitions, de bene eſſe, ſent by Mr. Porter, December 10, 1622, to the end the articles might be immediately ſent to Rome, without loſing ſo much time as to hear firſt from England: And humbly moved, that in caſe his majeſty ſhould like of the ſaid articles, he would ſend his approbation directly to Rome for the gaining of time; which his majeſty was pleaſed to do. And at the ſame time he wrote both to his ſaid late majeſty, and his majeſty then prince, as followeth, viz. to his majeſty,

" This is the true ſtate of the buſineſs as it now ſtandeth. " If your majeſty approve of what is done, I hope it will be " a happy and a ſhort concluſion: If your majeſty think

Charles I. "it not fit to allow and condescend to the said articles, I "have done the uttermost of my endeavours, and shall "humbly persuade your majesty not to lose a day longer in "the treaty; so much it importeth your majesty and your "kingdoms that the prince were bestowed."

And to the prince, in letters of the like date, in this sort.

"I have presumed to write to his majesty, that which I "think my duty to say to your highness. That in case you "shall not approve of what is now conditionally agreed, you "permit not a day more to be lost in this treaty: For it is "of so great consequence that your highness were bestowed, "that it importeth almost as much that you were speedily, "as fitly matched. But I hope his majesty, and your high- "ness, will in such sort approve of this last agreement, as "you will speedily bring this long treaty to a happy con- "clusion. I am out of hope of bringing things to any better "terms; therefore I deal clearly with your highness, and do "not only most humbly persuade but on my knees beg it "of you, that you either resolve to conclude this match as "you may, or speedily to break it, and bestow yourself "elsewhere; for no less than the happiness of your kingdom, "and the security of the king your father, and yourself, de- "pend upon it."

All which things being considered, the earl most humbly submitteth himself to the judgment of that most high and honourable court, whether the delays which accidents have brought forth in this business, can be attributed to his fault; since on the one side it will evidently appear to your lordships, that he never moved his majesty and the prince to admit of delays, but rather to think of some other course; and it will on the other side appear by all the dispatches, that he pressed things with the ministers of Spain to as speedy a conclusion, as the uttermost terms of fair negotiation and good manners would bear. And whereas it is pretended, that the Spaniards should take occasion, by entertaining the said treaties, to abuse his said late majesty (which he knoweth not) yet, he saith, he used all the vigilancy and industry that a careful minister could do, and had from the Spaniards, all the assurances, by oaths, words, and writings, which could be expected from Christians; the which, without adding or diminishing, he faithfully presented unto his said late majesty; and his said late majesty was pleased in those times, to conceive upon those assurances, that they dealt really with him; And he conceiveth that his majesty that now is, then prince, and the duke of Buckingham, were pleased to write as much

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to the late king's majeſty, at their firſt coming into Spain, Charles I.
and that all which the earl had written touching that employment, was there avowed by the Conde Olivares and Conde Gondomar, to the ſaid prince and duke, at their arrival at Madrid; and he hopeth, that if that diſpatch may be peruſed, it will as well appear and be adjudged, that he ſerved his majeſty with ſome meaſure of vigilancy, as well as fulneſs of fidelity.

III. To the third article the ſaid earl ſaith, That he did not either by words or by letters to his late majeſty or his miniſters, extol, or magnify the greatneſs and power of the king of Spain, nor repreſented to his late majeſty the ſuppoſed danger that might enſue unto him if a war ſhould happen between him and the king of Spain, nor affirmed, nor inſinuated the ſame, as in the ſaid article is mentioned; but if he did at any time ſpeak or write of the power and greatneſs of the king of Spain, or repreſent any danger to his ſaid late majeſty that might enſue by entering into hoſtility with the ſaid king of Spain, it was as a faithful counſellor and ſervant to his majeſty, by way of his advice and opinion, which he ever delivered ſincerely, faithfully and truly, according to the preſent occaſion, and in no wiſe with ſuch an intent as in the ſaid articles is mentioned, nor to any other evil intent or purpoſe whatſoever.

But he hath been ſo far from diſſuading his late majeſty to take arms, that he hath upon all juſt occaſions adviſed, that all fitting preparations for war might be made, as beginning with the year 1621, from which time he is only charged, will appear by his ſpeech in parliament preſently after his return out of Germany; and that he hoped his majeſty would no longer rely upon ſingle treaties, but make all fitting preparations for war; and that the parliament would enable his majeſty thereunto; and by the care he took before his going again upon his ambaſſage into Spain, that the eſtabliſhment of an army under his majeſty's own ſtandard of horſe and foot, and under his own pay, might be ſettled and provided for; as likewiſe his advice to the lords of the council, that his majeſty might have a curb upon the king of Spain upon all occaſions, by continuing of Sir Robert Manſel's fleet on the coaſts of Spain, as will appear by his letter written from Vienna, 26 July 1621, mentioned in the anſwer to the firſt article. By all which it appeareth, that he laboured and endeavoured as much as in him lay, that his majeſty might be well prepared for any occaſions of war that ſhould happen. And he no way remembred to have diſcouraged, or to have

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Charles I. ſpoken or written any thing, that might have been underſtood to have tended to the diſcouraging of his ſaid late majeſty for the taking of arms, and entering into hoſtility with Spain, or for reſiſting of him and his forces, from attempting the invaſions of his late majeſty's dominions, or the dominions of his late majeſty's confederates, friends or allies, as by the ſaid articles is charged againſt him; neither remembreth that he had any cauſe ſo to do. But if he have in any kind ſpoken or written of Spain, or the power thereof, it may have been to his late majeſty, or to his majeſty that now is, by way of diſcourſe, ſpeaking of the ſolidneſs of the Spaniſh proceeding, of their ſerious and deliberate debating of buſineſſes before they reſolve on them, of the conſtant purſuing of them when they are once reſolved, wiſhed that England and other nations would therein imitate them. For he ſuppoſeth the right way to impeach their greatneſs was to grow as wiſe as they, and to beat them at their own weapons. But otherwiſe he is confident never to have been heard to ſpeak or write any thing, that might have any terror or diſcouragement to his late majeſty or his chief miniſters, knowing that England well ordered, need to take little terror at the power of Spain, having almoſt in all attempts and enterprizes won honour upon them. And as for the preventing of dangers that might enſue upon a war, though he knew not what is aimed at in that particular, yet he is moſt confident, out of the integrity of his own conſcience, that he neither ſaid, nor adviſed any thing but what befitted a faithful counſellor and ambaſſador, which was truly to deliver his opinion as he underſtood it upon the preſent occaſion: and as for affirming that his majeſty's quiet ſhould be diſturbed, and he not be permitted to hawk or to hunt, he remembereth not what diſcourſe he may have had, or written to any perſon, how fit it might be upon the being broiled in a great war, ſeriouſly to intend it, and make it our whole work. But as he is confident it will appear, that what diſcourſe ſoever it might have been, it wanted not true zeal and affection which he hath ever born to the king's ſervice; and he hopeth it will not be found to want due reſpect and reverence on his part, which he ought to ſhew to ſo gracious a maſter. Neither can it be conceived, that the conſiderations of hunting and fowling, ſhould be conſiderations worthy of ſo great and prudent a king, to withhold from a war for the good of Chriſtendom, and his kingdom, if he ſhould have been juſtly provoked thereunto.

IV. To the fourth article the ſaid earl ſaith, that he did not any thing contrary to his duty or allegiance, or contrary

to

to the faith and duty of an ambaſſador, as by this article is alledged; but did intend the ſervice and honour of his late majeſty; and no corrupt and ſiniſter ends of his own advancement, as by this article is ſo alledged. And as for the conference, which is pretended he ſhould hold concerning the treaty, that being told there was little probability that the ſaid treaties would or could have good ſucceſs, he ſhould acknowledge as much; and yet ſaidy he cared not what the ſucceſs thereof might be, but that he would take care to have his inſtructions perfect, and to purſue them punctually, and would make his fortune thereby, or words to that effect; he doth not ever remember to have held ſuch diſcourſe. Though it be true, the time hath been many years ſince, when he thought the match very unlike to be effected, in regard unequal anſwers were given in prince Henry's days, and of the unlikelihood of accommodating the differences of religion; and ſaith further, that the reviving of the treaty of the ſaid match for his majeſty that now is, was not by his means; for he ever declared his opinion clearly, both to his late majeſty, and to his majeſty that now is, that in the firſt place, he wiſhed and adviſed a proteſtant match, but in the duty of a ſervant, underſtanding that both their majeſties deſired the match really with Spain, he did really and faithfully intend the ſervice and honour of their majeſties, and effectually endeavoured to procure their ends. And it is very likely he might ſay, he would get his inſtructions perfect, and purſue them punctually, as he conceiveth was lawful and fit for him; but the latter part of this conference, that he ſhould ſay he would make his fortune by it, or any other words to that effect, he was in Anno 1621, and ever ſince, of that rank and quality, both in regard of his employments, fortunes, and his majeſty's favour, that he aſſureth himſelf he did not, and dares anſwer ſo far for his diſcretion, that it was impoſſible for him to hold ſo mean and unworthy diſcourſe. Charles I.

V. To the fifth article he ſaith, that what is therein alledged, is ſo far from being ſo, that contrarily upon all occaſions to the utmoſt of his power, he did labour to prevent all the inconveniencies in point of religion, that might come by matching with a princeſs of a different religion, as well appeareth by the paper of his opinion, that his majeſty ſhould marry with a lady of his own religion, hereafter mentioned in his anſwer to the ſeventh article. And for further proof thereof, he ſaith, that in the whole treaty with Spain, he ſtood more ſtrict in points of religion, than by his inſtructions he needed to have done, as will appear by the teſtimony of ſir

Walter

Charles I. Walter Aſton, and his diſpatches of the 12th of December 1622, and other diſpatches, which he deſireth may be read. And as for concealing or perſuading to ſet at liberty the prieſts or jeſuits, he utterly denieth to have done any ſuch thing, as before he hath anſwered. Although it be true, that the ambaſſage in Spain be far different from the employment of other places, where there is a body of our reformed religion, and where his majeſty hath kindred and allies; whereby his majeſty's miniſters may be informed of the neceſſary occurrences of ſtate, without the helps of prieſts or jeſuits. But in Spain there being none but Roman catholics, nor any manner of correſpondency or intelligence but by them, the ambaſſadors muſt make uſe of all ſorts of people, eſpecially of jeſuits and prieſts, and to that end ambaſſadors ſent thither have a large and particular warrant under the king's hand, to treat and make uſe of prieſts and jeſuits, and all other ſorts of men, unleſs it be ſuch as are proclaimed rebels. And divers times the miniſters employed in Spain, to gratify ſome whom there they employed for the king's ſervice, have, as he believeth, at their particular ſuit, moved his majeſty to extend grace and favour to ſome particular friend and kinſman of his, being a Roman catholic, and impriſoned in England; and that he remembereth to have happened to others, but doth not remember himſelf to have written to his late majeſty in that kind: and as concerning his advice and counſel, to ſet at liberty jeſuits and prieſts, and the granting to the papiſts a toleration, or the ſilencing of the laws againſt them, he ſaid, that his late majeſty was engaged by the treaty of Madrid 1617, in divers matters concerning religion; likewiſe by promiſe to Conde Gondomar, and his letters to the king of Spain, April 1620, wherein he is pleaſed to promiſe ſome particulars in favour of Roman catholics, as by the ſaid letters will appear: and underſtanding the ſaid earl had ſufficient warrant under the king's own hand, to aſſure the king of Spain, whatſoever was agreed in the ſaid article, or in the ſaid letters, his majeſty would ſincerely perform; yet the ſaid earl was ſo cautious in that point, that when, for the concluſion of the match, the other articles of religion being allowed, it was preſſed by the Spaniſh miniſters, that a clauſe of convenience might be inſerted, with proteſtation, that the form and way thereof ſhould be wholly left to his majeſty's wiſdom and clemency, and that his majeſty's Roman catholic ſubjects ſhould acknowledge this grace to have come from the king's majeſty's mercy and goodneſs: yet the ſaid earl would not condeſcend hereunto, de bene eſſe, as by his letters

ters to maſter ſecretary Calvert, 8 October 1622, will appear, hereby to give his majeſty time to have recourſe unto his ſecond conſultation, and to take it into conſideration before he would engage or bind himſelf in this point: but his late majeſty, and his majeſty that now is, were pleaſed to condeſcend hereunto, by ſigning the ſaid articles with their own hands, and likewiſe by writing their private letters of the 8th of January 1622, to that effect to the king of Spain, as by the ſaid letters will appear. Neither did the ſaid earl, by letters or otherwiſe, ever counſel or perſuade his late majeſty, to grant or allow unto the papiſts or profeſſors of the Romiſh religion a free toleration, and ſilencing of the laws made and ſtanding in force againſt them, but ever proteſted againſt any ſuch toleration; and when any ſuch proviſion hath been offered to be made in Spain, he ever refuſed ſo much as to give ear to it, or to ſuffer it to be propounded; although it be true, that he hath ſince ſeen a paper touching pardons, ſuſpenſions, and diſpenſations for the Roman catholics, bearing date the 7th of Auguſt 1623, ſigned by the lord Conway and others, which in effect is little leſs than a toleration; which paper is that which followeth: Charles I.

Saliſbury, 7 Auguſt 1623.

The declaration touching the pardons, ſuſpenſions, and diſpenſations of the Roman catholics.

This declaration having been inſerted, in the reign of king James I. under the year 1623, there is, I think, no occaſion of repeating it here.

But this declaration, the ſaid earl ſaith and affirmeth, was the effect of the duke of Buckingham's negotiation, and treated and concluded by the lord Conway, with the Spaniſh ambaſſador here, whilſt the prince was in Spain; neither was his privity or advice in it: for if he had known it, he ſhould have proteſted againſt it. All which, together with the difference betwixt the conditions of religion agreed at the treaty of Madrid, 12 Decemb. 1622, by the ſaid earl, and the ſaid ſir Walter Aſton, being by their lordſhips conſidered, the ſaid earl doubteth not but that it will manifeſtly appear, whoſe endeavour it was to advance the Romiſh religion, and the profeſſors thereof; and judges the ſaid earl moſt unfortunate to be charged with an article of this kind.

VI. To

Charles I. VI. To the ſixth article the earl ſaith, that the aſſurances which he gave his late majeſty, and his majeſty that now is, concerning the treaties, were ſuch, that it had been diſhoneſty and breach of his duty and truſt for him to have held them back, being the ſame that were given him by the emperor, and the king of Spain, and their miniſters, upon as great aſſurances as can paſs between miniſters of princes in the like caſe. And for the delays of Spain, they could never be ſo ill; and with ſo little colour complained of, as at the time of his majeſty's coming thither; for that a certain time was before then prefixed for the coming of the diſpenſation, viz. in April 1623, at the furtheſt, which was next month after the prince's arrival at Madrid; the deſponſories were to be within four days following, and the infanta begin her journey into England twenty days after: ſo as three months patience longer would have ſhewed the iſſue of the buſineſs without putting of the perſon of the prince, being heir-apparent to the crown, in ſo eminent a hazard for the trying of an experiment. And it is an argument of great ſuſpicion, becauſe the Spaniards were ſuſpected to have dealt falſely, and ſo the leſs to be truſted with the perſon of the prince, to be put into their hands to try concluſions: but the truth is, though that was made the pretended ground, and the occaſion of the journey, it was neither the aſſurances of the ſaid earl, nor the jealouſies of Spain; but other motives that were the original cauſe of his majeſty's ſaid journey, as ſhall be ſufficiently made apparent in due time. And the ſaid earl having got an inkling of it by ſomething that was let fall from the Conde Gondomar to that purpoſe, inſtantly diſpatched away by Mr. Griſly to his late majeſty, to have his journey prevented; who upon the confines of France, met with his majeſty and the duke of Buckingham on his journey towards Spain, and told them as much. So that although he confeſſeth what is laid in the charge to be true, viz. that by the ſaid journey the perſon of the prince, the peace and ſafety of the kingdom did undergo further danger (at the remembrance thereof the hearts of all good ſubjects do tremble) yet the blame is due to the authors and adviſers of the ſame journey, and not to the ſaid earl; and although it pleaſed God, to the exceeding great joy and comfort of the ſaid earl, and of all good men, to ſend his gracious majeſty home with ſafety, yet never was the perſon of any prince, upon ſuch grounds, expoſed to ſo great an hazard; and in ſuch caſes, not the ſucceſs, but the counſellors are conſiderable.

VII. To

VII. To the ſeventh article the ſaid earl ſaith, that he did not move or perſwade his majeſty, then prince, to change his religion, neither in the manner in the ſaid article mentioned, nor in any other manner whatſoever; neither doth he conceive, that the charge in itſelf as it is laid, will in any reaſonable conſtruction bear any ſuch inference as is made therein; ſo as he conceiveth, he needeth not make any further or other anſwer thereunto. Yet that it may appear, that the manner he uſed to the ſame prince was not traiterouſly, falſely, or cunningly, nor without ground, or to any ſuch intent, as in the ſaid article is ſuppoſed; and to manifeſt unto this moſt high and honourable court, how far he was from all ſuch intention, he ſaith, that he doth acknowledge, that within few days after his majeſty's coming into Spain, whilſt he had the great honour to have his majeſty lodged at his houſe, and to have ſo royal a gueſt, finding by the Spaniſh miniſters, that there was a general opinion, that his majeſty's coming thither was with an intention to become a Roman catholic; and the Conde Gondomar having that very morning preſſed the earl not to hinder ſo pious a work (as he termed it) of his majeſty's converſion, and ſeeming to be aſſured of the duke of Buckingham's aſſiſtance therein, his majeſty being all alone in a withdrawing room in the ſaid earl's houſe, the ſaid earl kneeled unto him, and told him, that he had a buſineſs to impart unto him, which highly imported his majeſty to know, ſo that he might be aſſured his boldneſs therein might be pardoned; which his majeſty graciouſly promiſed. And thereupon the ſaid earl told his majeſty, that the general opinion of the court was, that his majeſty's coming into Spain was with an intent to be a Roman catholic, and there to declare it. And he confeſſeth, that at the ſame time, in regard of thoſe things he had heard, he humbly beſought his majeſty to deal freely with him as a ſervant, of whoſe fidelity he might be confident, or words to that effect; but he was ſo far from perſwading his majeſty to be a Roman catholic, that without reſpecting his majeſty's anſwer, he declared himſelf to be a proteſtant, and ſo ſhould always continue; yet he ſaid, he ſhould always ſerve his majeſty, and labour to advance his, and the king his father's affairs, with as much fidelity and honeſty, as any catholic whatſoever: and his majeſty was pleaſed then to make unto the ſaid earl a full and clear declaration of his religion, and of his conſtant reſolution therein; and ſeemed to be much diſpleaſed, that any ſhould have ſo unworthy an opinion of him, as to think he would for a wife, or any other earthly reſpect whatſoever, ſo much as waver in his religion. Charles I.

Charles I. ligion. Whereupon the ſaid earl beſought his majeſty to pardon his boldneſs, and then intreated him not to ſuffer his buſineſs to be overthrown, by permitting that conceit of his converſion any longer to remain in the Spaniards, nor to any thing that might give them hope therein; alledging, that it was impoſſible the marriage could be without a diſpenſation; and ſo long as the Spaniards, who were to procure the diſpenſation, ſhould have hope of his majeſty's converſion, they would never content themſelves with a part; to which they were tied by the articles agreed upon with the ſaid earl and ſir Walter Aſton. At which time his majeſty was pleaſed to approve of his opinion, and ſaid, he would expect the diſpenſation, and did thereupon afterwards ſend Mr. Andrews to Rome to haſten it; and the next day the ſaid earl dealt very roundly with the Conde Olivares, and Gondomar, telling them it was a diſcourteous manner of proceeding, to preſs his majeſty to further conditions than were formerly agreed upon in point of religion, and to make his conditions the worſe for the great obligation he had put upon them, by putting himſelf into their hands; whereat they took ſuch great offence, that they eſtranged themſelves from him for a long time after. And that the ſaid earl did thus proceed with the ſaid Conde, and that it was not a new-framed anſwer to ſatisfy preſent objections; but that which really and indeed paſſed, will really appear by his diſpatches unto his late majeſty of bleſſed memory; and before his majeſty that now is, came out of Spain, they were there ſhewed unto his majeſty, bearing date the 9th of September 1623. So that although it be true, that he the ſaid earl did not diſſuade his majeſty, for that there was no cauſe for it; yet without expecting his majeſty's anſwer, he firſt made a clear and true profeſſion of his own religion; and when his majeſty had declared to him his zeal and conſtancy, he humbly beſought him, that the Spaniards might not for any reſpect be longer held in hopes of that point. And becauſe point of religion is that which all men of honour and honeſty would chiefly deſire to clear, eſpecially having an imputation of that nature laid upon them, as the ſaid earl hath in the ſaid article; he humbly beſeecheth your lordſhips, that he may not ſeem to digreſs from his charge; intending your lordſhips ſatisfaction in that particular, not by the aforeſaid verbal diſcourſe only, which he profeſſeth was in much zeal to religion and dutiful care to the prince in that kind, but by ſome written teſtimony of his former opinion both of the match and religion. When he was firſt employed into Spain for the treaty of his marriage 1617, his late majeſty

jeſty having commanded him to give an account thereof unto his majeſty that now is, he at his departure towards Spain, preſumed to give unto his majeſty that now is, his opinion in writing ſigned with his own hand, to be kept as a teſtimony of future action, the copy whereof is this as followeth. Charles I.

"SIR,

"THE opinion which I have ever preſumed humbly to offer unto his majeſty concerning your highneſs's marriage, hath been, that both in regard of conſcience and ſatisfaction unto his majeſty's people and allies; likewiſe for the ſecurity and quiet of your majeſty's eſtates, your highneſs might take for wife ſome proteſtant princeſs, although ſhe neither were daughter to a king, nor had ſo ample a portion as might relieve the king's preſent neceſſities and wants; for then there might be many ways found to help the king's wants, either by ſome few years providence and frugality, or by winning the affections of the people, to the ſupplying of his majeſty by way of ſubſidies in parliament; whereas contrariwiſe, if the number and power of the papiſts ſhall be increaſed, as undoubtedly they will be by your highneſs's matching with any catholic princeſs, through the conceſſion which muſt be of neceſſity for the exerciſe of her religion for herſelf and family, within your highneſs's courts, and thereby by degrees theſe two different religions ſhall grow to an equality of power; it will be great hazard and diſquiet to the ſtate, and not to be redreſſed without great danger, and courſes of more violence than is uſual for this ſtate to put in practice. But in caſe his majeſty, out of his wiſdom and conſideration beſt known to himſelf, hold it fitteſt that your highneſs match with France, or Spain, or any other catholic, either for that the preſent time affordeth no proteſtant princeſs, who is for years or blood ſuitable for your highneſs, or that can in any conſiderable meaſure by the portion, ſupply his majeſty's preſent wants, I then conceive that the match by which this ſtate ſhall ſuffer leaſt inconveniency and cumbers, and whereby his majeſty's neceſſities ſhall by the greatneſs of the portion be the moſt relieved, is with Spain, if ſuch a match may be made with ſuch conditions of religion, as other catholic princes will contract themſelves withal.

"Thus much I thought fit humbly to preſent unto your highneſs, for that I ſee my employment liable to the cenſure of many worthy perſons, with whom though I concur

Charles I. "in my opinion, yet I ſeem much to differ from them many "ways; for that it is more proper to me to be true to my "maſter's ends and ſervices, than by the declaring this, to "procure their ſatisfaction: Only to your highneſs I thought "fit to make this declaration, and ſhall be a ſuitor to you "for your favour, as you ſhall ſee me really labour to put "this in effect. And if his majeſty ſhall, either upon mo-"tion of parliament, or any other propoſition that can be "made unto him, think fit to proceed with a proteſtant "match, as I ſhall wiſh as well unto it as any man living, "ſo I hope in ſuch ſort to manage the preſent buſineſs that I "have in hand, that it ſhall rather much further, than any "way croſs or hinder it. But in caſe his majeſty ſhall not be "drawn to any propoſition for a proteſtant match, I then "conceived, that your highneſs both doth, and will approve, "that I really and effectually labour to procure a match for "your highneſs in Spain, upon ſuch conditions, in point of "religion and portion, as to his majeſty ſhall ſeem fit.

Beſides which declaration of his opinion, he hath all the days of his life, and in all places, lived and allowed himſelf to be a proteſtant, never having done any the leaſt act that was not ſuitable to that profeſſion: And in all his former employments, for the ſpace of fourteen years, of more than five hundred perſons of all qualities that attended on him, there was never one perverted in his religion, ſaving two Iriſh footmen, who in Ireland had been bred papiſts. And he humbly deſired the teſtimony of doctor Maſon, and doctor Wren, his majeſty's chaplains, who were with his majeſty in Spain; and of Mr. Sampford, one of the prebends of Canterbury, Mr. Boſwell, parſon of St. Lawrence in London, and Mr. Frewen, divinity-reader in Magdalen college in Oxford, and now one of his majeſty's chaplains, who were his majeſty's chaplains in Spain; as well for the frequent uſe of the ſacrament, as conſtant profeſſion and exerciſes of religion, and the teſtimony of ſuch catholicks as are known to have been his ancient acquaintance and friends, to examine them upon oath, whether publicly or privately, in Spain or in England, they had known him in any kind to make ſhew, or ſo much as to forbear, upon all occaſions, to declare the religion he profeſſeth. And that the ſaid Mr. Frewen and Mr. Wake may be alſo examined, whether in extremity of ſeveral ſickneſſes, whereinto he hath of late years fallen, he hath not ever ſettled his conſcience with them towards God, and made a confeſſion of his faith; reſolving, as befitting a proteſtant or good chriſtian.

VIII.

VIII. To the eighth article the earl ſaith, That he did not at any time, or in any place, endeavour to perſuade the prince, touching his religion, to become a Roman catholic, and to be obedient to the uſurped authority of Rome; neither did the ſaid earl, to that end and purpoſe, or otherwiſe, uſe unto his majeſty, then prince, the words in the article mentioned. But the ſaid earl acknowledgeth, That upon occaſion of a letter that came to his majeſty, then prince, putting his majeſty in mind of the great actions of his royal progenitors in the holy war, that the great kings of theſe times did not only employ their forces, but in their perſons went into the Holy Land; the earl believeth, that by way of diſcourſe only, and not otherwiſe, he may have ſaid, That in regard of the difference in religion, it was of more difficulty to undertake ſuch great actions now, than in former ages; and it might well be inſtanced in the preſent treaty of the marriage, wherein the pope's conſent was to be obtained. And to this effect, and upon the like grounds, he is confident there was very many that have, nay, few of nearneſs about his late majeſty, that have not often heard his majeſty ſay, That he was the true martyr, that ſuffered more for his religion than all the princes of Chriſtendom beſides; inſtancing in divers particulars, but eſpecially in this, That he could not match his children with kings of his own rank, without the pope's leave. Charles I.

But the ſaid earl ſaith, He never alledged any ſuch thing to any other purpoſe, than to ſhew, that only conſcience, and love to truth, (in which regard proteſtants ſuffered much) not any temporal reſpects, made men conſtant and zealous to the profeſſion of our religion. By which diſcourſe he ever attributed much to the honour and ſecurity of the proteſtant religion; but never uſed it as an argument to perſuade to the contrary, as in the accuſation is inſinuated.

Beſides, he conceiveth, by way of anſwer thereunto, the ſaid queſtion may be aſked, which his majeſty was pleaſed to aſk of the earl in the ſeventh article, viz. "What the ſaid "earl ſaw in his majeſty, that he ſhould think him ſo un- "worthy, as to change his religion for a wife, or any earthly "reſpect whatſoever?" So why ſhould it be thought, that being more fit to undertake great actions in the world, (being a mere moral and temporal reſpect) ſhould be an argument to perſuade in conſcience ſo religious and wiſe a prince, and ſo well inſtructed as his majeſty is, as though the ſoul of a chriſtian prince was to be wrought upon, in point of truth and belief, by temporal and worldly reſpects of conveniences and greatneſs?

Charles I. neſs? It were neceſſary, for the proving, that the ſaid earl perſuaded his majeſty touching religion, to produce ſome arguments that he uſed out of ſcripture, to ſatisfy him in point of conſcience in ſome tenets of the Roman church, or that he produced any conference with learned men for his ſatisfaction in point of religion: Otherwiſe the articles uſed in this againſt the ſaid earl, do (as he conceiveth) carry little ſtrength to prove the charge of perſuading his majeſty, either in regard of itſelf, or in regard of his majeſty's piety.

IX. To the ninth article, the ſaid earl ſaith, That there was a diſcourſe in Spain of the way of accommodating the prince Palatine his affairs; and by way of diſcourſe it was moved, That the marriage of his eldeſt ſon, with a daughter of the emperor, and his ſon to be bred in the emperor's court, would be the faireſt way for the pacifying of, and accommodating thoſe buſineſſes. And the earl, by way of diſcourſe, and not otherwiſe, did ſay, That he thought his late majeſty could not be averſe, either to the ſaid match, or to the breeding of the prince Palatine his ſon with the emperor; ſo as thereby, the whole patrimonial eſtate of the prince Palatine, and the dignity electoral might be fully reſtored, and that his ſon might be bred in his own religion, and have ſuch preceptors, and ſuch a family, as his late majeſty and his father, meaning the prince Palatine, ſhould appoint; and they to have free exerciſe of religion: For ſo his late majeſty hath often declared himſelf to the ſaid earl, and wiſhed him to lay hold on any occaſion for the entertaining of any ſuch propoſition. And otherwiſe than ſo, and upon the terms aforeſaid, and by that way of conference and diſcourſe only, he delivered not any opinion to his majeſty, at his majeſty's being in Spain: For the ſaid earl is very confident, that his majeſty was returned out of Spain before any propoſition was made for the ſaid marriage, other than by way of diſcourſe, as aforeſaid; the ſame, as the ſaid earl believeth, being firſt moved and debated on by way of propoſition, between Mr. ſecretary Calvert, and the ambaſſador of the king of Spain, October 2, 1623. His late majeſty, upon a relation made unto him by a letter of Mr. ſecretary Calvert, approved of the ſaid propoſition, and declared the ſame to be the only way, as he conceived, to accommodate with honour thoſe great buſineſſes: And wrote to that purpoſe to his ſon-in-law the prince Palatine, by his letters dated 9 November 1623, a copy of which he, together with Mr. ſecretary Calvert's relation, and the lord Conway, by his late majeſty's commandment, ſent unto the

ſaid

ſaid earl, the tenor of which tranſlated out of French, is as followeth. Charles I.

"We have thought good, that we may provide beſt and "moſt ſoundly for your affairs, not only to procure, but alſo "to aſſure your peace, were to cut up by the very roots "that evil, which hath been ſettled in the heart of the em- "peror, by the great diſpleaſure and enmity he hath con- "ceived againſt you. For the removing and quite extin- "guiſhing of which, it ſeemeth to us no better or more pow- "erful means can be uſed, than a good alliance, which may "be propoſed by us, between your eldeſt ſon, and the daugh- "ter of the ſaid emperor, upon the aſſurance we have, we "ſhall not be refuſed in this matter, if you on your part will "give your conſent. And for the more ſurety of the good "ſucceſs thereof, we are determined, before any ſuch pro- "poſition be made to the emperor, to intereſt the king of "Spain with us in the buſineſs, who, we truſt, will lend us "his helping hand, as well for the effecting of it, and bring- "ing it to a good concluſion, as in procuring likewiſe, that "the condition be duly obſerved. Amongſt which condi- "tions, if it happen that the emperor ſhould demand, that "your ſon, during his minority, ſhould be brought up in "his court, we ſhall tell you, that we, for our own part, "ſee no reaſon why you ſhould ſtick at it, upon ſuch con- "ditions as he might be tied unto, to wit, That the young "prince ſhould have with him ſuch governor as you ſhall "pleaſe to appoint him, although he be no Roman catholic; "and that neither he, nor any of his, ſhould be any way "forced in matter of their conſcience. And our meaning "is, ſo to order our proceeding in this treaty, that before "your ſaid ſon be put into the hands of the emperor, we will "have a clear and certain aſſurance of an honourable, en- "tire, and punctual reſtitution of all whatſoever belonging to "you: As alſo we will take care to provide accordingly, as "fully and exactly for the aſſurances requiſite for the liberty "of conſcience, for him and his domeſtics, as they have "done here with us, touching thoſe that have been granted "them for the infanta. And therefore ſeeing there is no "inconvenience at all, that may cauſe your averſeneſs or "backwardneſs in this buſineſs, which we for our parts think "to be the beſt, ſhorteſt, and moſt honourable way that you "can take, for the compaſſing of the entire reſtitution, and "making your peace ſure with the emperor, we hope your "opinion will concur with us therein, and ſhall intreat you, "by the firſt, to ſend us your anſwer."

Charles I. By which letters, after his majeſty's coming out of Spain, it appeareth to your lordſhips, that there was no propoſition of the marriage betwixt the ſon of the prince Palatine, and the emperor's daughter, when the letter was written; for therein his majeſty ſaith, he was determined to intereſt the king of Spain in the buſineſs, before any ſuch propoſition ſhould be made to the emperor. And it will alſo thereby appear, that his late majeſty's inclination was of the conveniency thereof, which the ſaid earl hopeth will acquit him, if by way of diſcourſe only he declared what his majeſty's opinion was, which, with honeſty, he could not have concealed. And the ſaid earl ſaith, he doth not remember what anſwer Sir Walter Aſton made upon that diſcourſe which he then delivered, nor what replies the ſaid earl made; but ſure he is, whatſoever the ſaid earl ſaid, or what anſwer or reply ſoever was made, as it was by way of diſcourſe, and not otherwiſe, ſo it was according to that which he truly conceived to be the beſt and eaſieſt way to accommodate the buſineſs and to be his majeſty's pleaſure, (which the ſaid Sir Walter Aſton may be ignorant of, as he is confident that he was) and not out of any diſaffection to our religion, or for any ſiniſter reſpect or regard to the houſe of Auſtria, as by the ſaid article is intimated: For he did conceive the breeding of the prince Palatine's ſon with the emperor, having a governor appointed by his late majeſty and his father, and he and his domeſtics to have free uſe of their own religion, to be a matter of impoſſibility, or ſuch dangerous conſequence in point of religion, as to imply his converſion, as by the article it is intimated; well knowing that in the emperor's court, all princes there, though his priſoners, and others his counſellors and ſervants about his perſon, and ſo great command in his armies, being avowed proteſtants, have the free uſe of their religion: And it is not to be ſuppoſed, the ſon of the prince Palatine, grandchild to the king of Great-Britain, ſhould be matched, and no care taken to capitulate for the uſe of his religion, being ever granted to the meaneſt prince that is beſtowed. And his majeſty's ſpecial care in this point, is fully ſeen in the ſaid letter.

X. To the tenth article he ſaith, That by comparing of this article of his too much forwardneſs, with the ſecond article, whereby he is charged with continuing the treaty upon generalities, without reducing them to certainties, and direct concluſions, your lordſhips will perceive how impoſſible it was for him to avoid an exception. But for direct anſwer to the preſent charge, he ſaith he did not preſumptuouſly,

nor

nor yet to his knowledge, break his *inſtructions* nor ſet a day at all for the deſponſories; but was therein merely paſſive, in admitting the day nominated by the king of Spain, according to the capitulation before made: Nor did he preſumptuouſly, wilfully, or willingly diſobey any commandment or direction of his majeſty that now is, then prince, which he could underſtand not to be countermanded, either by preſent or future inſtructions otherwiſe explained. Charles I.

And for the better manifeſtation of the truth of his proceedings in, and concerning the ſame, he ſaith, That on the day of the departure of his majeſty, then prince, from the Eſcurial in Spain, his highneſs delivered unto him, in preſence of the commiſſioners, his proxies powers, with public declaration taken in writing by the ſecretary, to the king of Spain, of the prince his pleaſure, and how the ſaid earl ſhould uſe them, viz. That he ſhould deliver them to the king of Spain, upon the coming of the diſpenſation cleared from Rome, according to that which hath been agreed, which was to be within ten days after the coming of the diſpenſation. And he farther ſaith, That it is true, that the prince afterwards by his letters ſent by one Mr. Clark, commanded him the ſaid earl not to deliver the ſaid proxies till he ſhould have received ſecurity, that the infanta, after her being betrothed, ſhould not enter into any religious order, and that before he proceeded, he ſhould ſend to his majeſty, then prince, ſuch ſecurities as ſhould be offered, that he might judge whether it were ſufficient or not.

Whereupon the ſaid earl, as became a faithful ſervant, preſented unto his majeſty that now is, then prince, ſuch aſſurances as were offered unto him, for ſecuring of that point, together with ſuch reaſons as he conceived were fit to be offered to their conſiderations; which gave unto his late majeſty, and his majeſty that now is, then prince, ſuch ſatisfaction, as they were pleaſed to diſpatch a poſt preſently unto him, abſolutely diſcharging him of that commandment, as by their ſeveral letters, dated Octob. 8. 1623, will appear as followeth:

"We have received your letters by Griſley, and the copy "of them to our dear ſon; and we cannot forbear to let "you know how well we eſteem that dutiful, diſcreet, and "judicial relation, and humble advice to our ſon. Where"upon, having fully deliberated with ourſelf, and communi"cated with our dear ſon, we have reſolved, with the good "liking of our ſon, to reſt upon that ſecurity in point of "doubt, for the infanta's taking a religious order, which you "in your judgment ſhall think meet."

Charles I. And by that other letter of his majeſty that now is, then prince, as followeth, viz.

"Your letter to the king and me, concerning that doubt "I made after I came from St. Laurence, hath ſo ſatisfied "us both, that we think it fit no longer to ſtick upon it, "but leave it to your diſcretion to take what ſecurity you "ſhall think fitting."

Whereby he was abſolutely freed of that command; and being ſo freed thereof, he then remained under the order which his majeſty, then prince, had left with him at his departure, which was to proceed according to the capitulations, and his highneſs's declaration, when he delivered the ſaid proxies unto him: And ſo he intended to have done, till by his highneſs's letters, November 13, 1623, he was directly commanded the contrary, which commandment he directly and punctually obeyed.

And for ſuch his intentions, till he was countermanded, he conceived he had not only ſufficient warrant, but had highly offended if he had done otherwiſe. For firſt, for his proceedings to conſummate the match, he had warrant and inſtruction under his late majeſty's hand. Secondly, it was the main ſcope of his ambaſſage. Thirdly, he was enjoined by the king and prince his commiſſion, under the great ſeal. Fourthly, he had poſitive order under his majeſty's hand, by letters ſince. Fifthly, it was agreed by capitulation, that it ſhould be within ſo many days after the coming of the diſpenſation. Sixthly, his late majeſty, and his majeſty that now is, then prince, ſignified by their letters unto him, at the ſame time, when they diſcharged him of his commandment touching the infanta's entering into religion, that they intended to proceed in the marriage, as by his majeſty's letters, October 8, 1623, will appear. Seventhly, The proxies were to that end left in his hands, and after again renewed, after his majeſty's return into England. Eighthly, He had overthrown the marriage without order: For although Sir Walter Aſton and himſelf uſed all poſſible means for the gaining of time, and deferring the deſponſories; yet the king of Spain cauſed it to be proteſted, That in caſe he the ſaid earl ſhould inſiſt upon the deferring of the deſponſories, he would free himſelf from the treaty by the ſaid earl's infringing of the capitulations; And in truth, although the king of Spain ſhould have condeſcended to have prolonged the deſponſories, until one of the days of Chriſtmas, as by the letter was required; yet the prince's proxies had been before that time expired, and he durſt not, without a preciſe warrant, put ſuch a ſcorn upon

upon ſo noble a lady, whom he then conceived was likely to Charles I.
have been the prince his wife, as to nominate a day of mar-
riage when the proxies were out of date, and he was himſelf
ſworn to the treaty. And laſtly, he could not in honour and
honeſty, but endeavour to perform that public truſt repoſed
in him, when the proxies were depoſited in his hands, with
public and legal declaration, with an inſtrument by a ſecre-
tary of ſtate to the king of Spain, leading and directing the
uſe of them, and the ſame being then Inſtrumentum ſtipu-
latum, wherein as well the king of Spain was intereſted by
the acceptation of the ſubſtitution, as the prince by granting
of the proxies, he could not in honeſty fail the public truſt,
without clear and undoubted warrant; which as ſoon as he
had, he obeyed. So as the caſe ſtanding thus, the ſaid earl
is very confident, that the ſuppoſed countermands, directions,
and reſtrictions, when they ſhould be peruſed and conſidered
of, will appear to have been very ſlender and inſufficient
warrant againſt the aforeſaid orders and reaſons before ſpe-
cified: And is alſo as confident, That what is aſſured out of
his, the ſaid earl's diſpatches, will alſo appear to be miſunder-
ſtood; and that if he had proceeded to the execution of the
deſponſories, before he received direct and expreſs command-
ment to the contrary by the aforeſaid letters, November 13,
1623, which he readily and punctually obeyed, he had not,
under favour, broken his inſtructions, or deſerved any blame
for lack of aſſurance of the reſtitution of the Palatinate, and
temporal articles.

And firſt, of the Palatinate, his ſaid majeſty did not ſend
to the ſaid earl expreſs directions not to diſpatch the deſpon-
ſories, until a full concluſion were had of the other treaty of
the Palatine, together with that of the marriage, as by the
ſaid article is alledged; only his late majeſty, by the aforeſaid
letters of October 8, required the ſaid earl ſo to endeavour,
that his majeſty might have the joy of both at Chriſtmas.
Whereas his inſtructions of May 14, 1621, were expreſs, that
he ſhould not make the buſineſs of the Palatinate a con-
dition of the marriage. And his late majeſty's letters of De-
cember 30, 1623, were fully to the ſame effect. Yet did the
ſaid earl, according to what was intimated by the ſaid letter of
October 8, ſo carefully provide therein, as that before the
proxies were to be executed, he had an abſolute anſwer in the
buſineſs of the Palatinate, the ſame ſhould be really reſtored
according to his late majeſty's deſire; and the Conde Olivares,
both in his majeſty's name, and in his own, deſired the ſaid
earl and ſir Walter Aſton, that they would aſſure his ma-
jeſty

Charles I. jeſty of the real performance of the ſame, and intreated, if need were, they ſhould engage their honour and life for it, as by their joint diſpatches of November 23, 1623, will appear; and ſo much the ſaid ſir Walter Aſton and the ſaid earl agreed ſhould be delivered to them in writing before they would have delivered their proxies, and ſo the ſaid earl declared it; the which anſwer in writing ſhould have been the ſame, which ſince was given them of January 8, 1623. And both ſir Walter Aſton and the ſaid earl were confident therein, as they, by their ſaid letters of November 23, wrote to his late majeſty as followeth; viz.

"That his majeſty might, according to his deſire, ſignified to the ſaid earl, by his letters of October 8, give as well to his majeſty's daughter that Chriſtmas, the comfortable news of the expiring of her great troubles and ſufferings, as to his ſon the prince, the congratulation of being married to a moſt worthy and excellent princeſs."

By which it will evidently appear, he meant not to leave the buſineſs of the Palatinate looſe, when he intended to proceed to the marriage; but he confeſſed, that he was ever of opinion, that the beſt pawn and aſſurance his late majeſty could have of the real proceeding of the Palatinates was, that they proceeded really to the effecting of the match; and of the ſame opinion was his late majeſty alſo, and the lords commiſſioners here in England, as appeareth by his inſtructions, dated March 14, 1621, which opinion ſtill continued in them, as appeareth by his late majeſty's letters of January 7, 1622. And as for the temporal articles, the ſaid earl ſaith, when the deſponſories were formerly appointed to have been, as he remembereth, on Friday, Auguſt 29, before the departure of his majeſty, then prince, out of Spain, which was only hindered by the not coming of the diſpenſation, the prince appointed him and ſir Walter Aſton to meet with the Spaniſh commiſſioners, and they drew up the heads of the temporal articles, wherewith the prince and the duke of Buckingham were acquainted; and in caſe the diſpenſation had come, and the deſponſories being performed on that day, there had been no other proviſion made for them before the marriage; but preſently, upon the prince his departure, he, the ſaid earl, cauſed them to be drawn into form, and ſent them to his late majeſty, Sept. 27, 1623, deſiring to underſtand his majeſty's pleaſure with all ſpeed, eſpecially if he diſapproved any thing in them; but never received notice of any diſlike thereof, until the aforeſaid letters of November 13, 1623, which put off the deſponſories. So as it appeareth,

eth, the ſaid earl was ſo far from breaking his inſtructions, or from having any intention to have proceeded to the execution of the deſponſories, before his majeſty and the prince were ſatisfied of this point of the infanta entering into religion, or before convenient aſſurance, as well for the reſtitution of the Palatinate, as performances of the temporal articles, that he deſerveth, as he conceiveth under favour, no blame, ſo much as in intention; but if he had erred in intention only, (as he did not) the ſame being never reduced into act, the fault (as he conceiveth) was removed by his obedience before the intention was put into execution: For ſo it is in caſes towards God. And as to the matter of aggravation againſt him, that he appointed ſo ſhort a time for the deſponſories, as that without extraordinary diligence the prince had been bound, he thereto ſaith, as he ſaid before, that he ſet no day at all thereunto, nor could defer it after the diſpenſation came from Rome, without a direct breach of the match ſo long laboured in, and ſo much deſired; yet he and ſir Walter Aſton having uſed all poſſible induſtry to diſcover how the motion of deferring the match would be taken; and finding an abſolute reſolution in the king of Spain to proceed punctually, and to require the proxies according to the capitulation, within ten days after the coming of the diſpenſation; and that time alſo getting advertiſement from Rome, that the diſpenſation was granted, and would preſently be there; he, the ſaid earl, to the end, in ſo great a cauſe, he might have a clear and undoubted underſtanding of his late majeſty's pleaſure, ſent a diſpatch of November 1, with all diligence unto his majeſty, letting his majeſty know, that it could not be poſſible for him to protract the marriage above four days, unleſs he ſhould hazard the breaking, for which he had no warrant. Charles I.

But that this was now no new reſolution, nor the king ſo ſtraitned in time, as by the ſaid article is pretended, will appear by the ſaid earl's diſpatch of September 28, 1623. In which, upon ſcruple that was then made of the infanta's entering into religion, he wrote to the ſame effect, viz. "That "if the diſpenſation ſhould come, he knew no means how to "detain the proxies above twenty or twenty four days." So that although no difficulty happened until the midſt of November 1623, yet it was foreſeen, that it muſt of neceſſity happen whenſoever the diſpenſation ſhould come; and then was warning of two months given thereof; viz. from September 24, until November 29, which was the time appointed for the deſponſories.

So, as he moſt humbly ſubmits himſelf unto your lordſhips, which of the two ways was the ſafer or dutifuller for him to

Charles I. take; whether upon inferences and conjectures, to have overthrown ſo great a buſineſs; or, on the other ſide, firſt, to have preſented unto his majeſty the truth and ſincerity as he did, the true eſtate of his affairs, with his humble opinion therein, with an intimation, that if his majeſty ſhould reſolve to break the match, that for the ſaid earl his honeſt diſcharge of the public truſt repoſed in him, when the proxies were depoſited in his hands, and for his ſufficient warrant in ſo great a cauſe, his majeſty would be graciouſly pleaſed to give clear and expreſs order, (which he had not) and in the interim, whilſt his majeſty might take into conſideration the great inconveniences that might enſue, the ſaid inconveniences might be ſuſpended, and the buſineſs kept upon fair terms, that his majeſty might have his way and choice clear and unſoiled before him.

And as to the evil conſequences which are pretended would have followed, if the ſaid earl had proceeded to the conſummation of the match, before he had expreſs order and warrant to the contrary; he ſuppoſed his majeſty ſhould ſpeedily have ſeen the marriage, which he ſo long ſought to have effected; that the prince ſhould have had a worthy lady whom he loved; that the portion was much greater than ever was given in money in chriſtendom; that the king of Spain had engaged himſelf for reſtitution of the Palatinate; for which the ſaid earl conceived a daughter of Spain, and two millions, had been no ill-pawn; beſides many other additions of advantage to the crown of England: whereas on the contrary ſide, he foreſaw that the prince would be kept a year longer unmarried, a thing that ſo highly concerneth theſe kingdoms; he doubteth, that the recovery of the Palatinate from the emperor, and duke of Bavaria, by force, would prove a great difficulty, and that Chriſtendom was like to fall into a general combuſtion: ſo that deſiring that his majeſty ſhould have obtained his ends, and have had the honour and happineſs, not only to have given peace, plenty, and increaſe, unto his own ſubjects and crowns, but to have propounded the greateſt differences that had been theſe many years in Chriſtendom: and by his piety and wiſdom, to have prevented the ſhedding of ſo much chriſtian blood, as he feared would enſue, if theſe buſineſſes were diſordered. Theſe reaſons, he confeſſed, and the zeal unto his majeſty's ſervice, made him ſo earneſtly deſire the effecting of this buſineſs, and cannot but think himſelf an unfortunate man, (his majeſty's affairs being ſo near ſettling to his majeſty's content, as he conceiveth they were, and hoping to have been to his majeſty, not only a faithful ſervant, but a

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ſucceſsful ſervant) to ſee the whole eſtate of his affairs Charles I.
turned upſide down, without any the leaſt fault of his; and
yet he, the only miniſter on the Engliſh and Spaniſh ſide, that
remained under diſgrace.

XI. To the eleventh article the ſaid earl ſaith, that the article is grounded upon a petition by him preferred to this honourable houſe, ſuppoſed to be ſcandalous; which your lordſhips (as he conceiveth) according to the cuſtoms and privileges of the houſe of peers, would have been pleaſed firſt to have adjudged ſo to have been, either for matter appearing in itſelf, or upon hearing the ſaid earl; for if the matter appearing in the petition itſelf be not to be excepted unto, it cannot, as he conceiveth, by collateral accidents, be taken for a ſcandal, till it be examined and found falſe. For a plain and direct anſwer thereunto he ſaith, that the ſaid petition is ſuch, as will not warrant any ſuch inference, as by the ſaid article is inforced. And that he hoped to juſtify the contents of the ſaid petition in ſuch ſort, as ſhall not diſpleaſe his majeſty, nor deſerve that expreſſion which is uſed in the charge; but contrarily what he hath ſaid, or ſhall ſay therein in his defence, ſhall in all things tend to the honour and ſervice of his majeſty, by reducing into his memory divers circumſtances, and laying before him the paſſages of divers particulars, which by undue practices have been either concealed from his majeſty, or miſ-related unto him.

" Having thus offered to this high and honourable court, " ſuch proofs and reaſons as he hoped ſhall, in your lordſhips " wiſdom and juſtice, clearly acquit him of any capital crime, " or wilful offence; if it ſhall appear, that out of errors and " judgment, too much ferventneſs of zeal to his majeſty's " ſervice, or the ignorance of the laws of this realm, (where- " with he hath not been able to be ſo well acquainted as " he ought, by reaſon of foreign employments by the ſpace " of many years) or by any other ways or means he hath " fallen into the danger of the laws for any thing pardoned " in the general pardon, made in the parliament holden at " Weſtminſter, " anno viceſimo primo regni imp. Jacobi " Angliæ, &c," of bleſſed memory, he humbly prayeth al- " lowance of the pardons, and the benefit thereof, (with " this clauſe, that he doth and will aver, that he is none of " the perſons excepted out of the ſame) although he is very " confident, he ſhall not need the help of any pardon, hav- " ing received many ſignification, as well from his majeſty's " own mouth, that he had never offended his majeſty, as " lately, by ſeveral letters of the lord Conway, that he

" might

Charles I. "might reſt in the ſecurity he was in, and ſit ſtill, and "ſhould be no farther queſtioned. But he hopes your lord- "ſhips will not only find him ſo far from blame, but that he "hath ſerved his late majeſty of bleſſed memory, and his "moſt gracious ſon, the king's majeſty that now is, with "that fidelity, care, and induſtry, that your lordſhips will "take courſe, as you, in your wiſdoms, ſhall think fit, not "only for upholding the honour and reputation of a peer in "this realm, after ſo many employments, but likewiſe be- "come humble and earneſt ſuitors to his majeſty on this be- "half (which he humbly prayeth) that he may be reſtored to "his majeſty's good favour, which, above all worldly things, "he moſt deſireth."

This defence of the earl of Briſtol ſeemed to me worthy to be tranſmitted to poſterity, in a language more generally known than the Engliſh. Truth is viſible throughout: the whole is perfectly coherent; nothing appears diſguiſed, and the earl's innocence is ſo clearly ſeen, as to be almoſt beyond doubt. But on the other hand, their appears a furious perſecution againſt this lord, from thoſe who muſt have been convinced of his innocence. In this perſecution is ſeen the extreme weakneſs of James I. who contrary to his own knowledge, not only permitted the earl of Briſtol to be oppreſſed, who had ſerved him very faithfully, but alſo was induced to tell the parliament, in 1624, two things equally diſtant from the truth. The firſt, that when the prince and duke of Buckingham came to Madrid, they found the affair with which the earl of Briſtol was charged, as untouched, as if it had never been mentioned before. And yet, he had himſelf ſigned the articles of the treaty, and nothing was wanting but the pope's diſpenſation to celebrate the marriage, as manifeſtly appears in the earl of Briſtol's anſwer. The ſecond, that the affair upon which he conſulted the parliament, namely, whether he ſhould break the treaties with Spain, was yet, "Res integra," though theſe intreaties had been entirely broken two months before. But Charles I's prejudice againſt the earl of Briſtol is ſo ſurprizing, that after having ſeen the earl's defence, one can hardly believe, a prince, ſo judicious in other reſpects, could be induced to dictate to his attorney general, an accuſation ſo full of calumnies againſt a lord, whom certainly he could not think guilty, ſince no man knew more of the affair than himſelf. This is a character which does not redound to his honour. He would have been more excuſable, if he had cauſed the

duke

duke of Buckingham to act alone, whose reputation ought not to have been more dear to him, than his own. In short, we see in the earl of Bristol's defence, a clear and full explication of what passed in Spain, in the negotiation of the two treaties for the marriage, and for the restitution of the Palatinate, which is the principal subject of the reign of James I. The earl's defence undeniably shews also, what all the good writers affirm, that the duke of Buckingham's narrative to the parliament in 1624, was all false. And therefore I thought, this narrative of the duke's would not be ill placed after the earl of Bristol's defence, that the reader, by comparing the one with the other, may be satisfied with his own eyes, how unworthily king James, the prince his son, and the duke of Buckingham, acted with the parliament, in order to cause them to advise a rupture with Spain, on which advice king Charles afterwards so strenuously insisted. Charles I.

The duke of Buckingham's narrative[e] of the transactions in Spain, delivered to both houses of parliament, by order of king James I. in the year 1624.

THE duke in his narration, observed six distinct and several parts. I. The motives of the prince's journey to Spain. II. The treaty of the marriage set on foot in Spain, severally and by itself. III. The treaty of the marriage and restitution, united together by a reciprocal subordination. IV. The prince's return from Spain. V. His majesty's subsequent proceedings in both treaties, since the return. VI. The stating of the question, "super totam materiam," wherein both the houses were to offer to his majesty their advice and counsel. Act. Pub. xvii. p. 556. Rushworth, t. i. p. 119, &c.

## ARTICLE I.

### The motives of the prince's journey to Spain.

The negotiation of Sir Richard Weston chancellor of the exchequer, with the archduchess of Brussels, ministred unto his majesty the first occasion of jealousy, and made a kind of discovery of the Spaniards indirect dealing with this state.

"After the duke had spoken these few words, there was "read a letter of the third of October 1622, from the king

[e] This narrative has been collated with the record in Rymer, tom. xvii. p. 556, &c. by means whereof, several mistakes that were in Rushworth, are rectified.

"to

Charles I. "to the earl of Briſtol, wherein Briſtol was required to let "the king of Spain know, how ſenſible king James was of "the emperor's proceeding towards him; and that he ſhould "demand of the king of Spain a promiſe, under hand and "ſeal, that Heidelbergh ſhould be delivered within ſeventy "days after audience, and the like for Manheim and Frank-"endale, if they be taken; and if this be denied, to preſs "to have leave to march through the king of Spain's ter-"ritories with an army, for the recovering of his children's "patrimony; and that the king of Spain ſhould aſſiſt us with "his forces."

Then the duke deſired the houſes to take for truth whatever he ſhould ſay, granted and atteſted by the prince's preſence; and ſhewed, that this letter was not put home to the utmoſt by the earl of Briſtol. Hereupon a diſpatch was ſent away to my lord of Briſtol, expreſly commanding him to preſs his directions more home than yet he had done, and in caſe he ſhould be denied or delayed by the king of Spain, then to take his leave and come away; this was not ſo fully exacted by my lord of Briſtol.

Porter, that carried theſe letters, was commanded not to ſtay above ten days, who after he had been there ſome four or five days, and ſaw nothing towards a diſpatch, went himſelf to the Conde Olivares, (having been his creature) and deſired him that he would ſpeed his diſpatch. Olivares aſked him what he would have? Who replied, no more than what had been formerly promiſed, that in caſe the emperor ſhould deny the reſtitution of the Palatinate, the king of Spain ſhould aſſiſt our king by arms to recover it, or elſe give way to our forces to march thither through his country. Olivares replied, that this was a prepoſterous demand; what, to aſſiſt with arms againſt the king's uncle, and the catholic league! Porter ſpeaking to him of the marriage of our prince with the infanta of Spain, he told him, that he underſtood not a word of it. [d]

Porter acquainted Briſtol herewith: he ſaid, he would call Olivares to an account, if he held this language with him, and would make him underſtand, that an earl of England was as good a man as a conde of Spain. But ſending for Porter the next morning, he changed his reſolution, and concluded to carry the buſineſs more calmly, and ſaid, the Conde

[d] The marriage had been now ſix years negotiating at Madrid. There were ſome articles ſigned, which Gregory XV. had ſent back with his anſwers. Either therefore Conde Olivares, or Porter, or the duke of Buckingham, did not ſpeak the truth. Rapin,

Was

was ſo reſerved, becauſe he was ſhy and dainty to report thoſe myſteries with that freedom to him, who was not qualified as a public miniſter. The Conde was angry with Porter for communicating what he ſaid to Briſtol. Mr. Porter returned with a diſpatch fraught with generalities, and without any one particular or certainty at all, made his relation to the prince's highneſs; who thereupon took his reſolution to go in perſon to Spain, and gave himſelf theſe reaſons for the enterprize. Charles I.

He ſaw his father's negotiation plainly eluded; matters of religion gained upon, and extorted [e]; his ſiſter's cauſe more and more deſperate; and that this was the way to put things off or on; and that in this particular, delay was worſe than a plain denial; and that according to the uſual proverb, "a "deſperate diſeaſe muſt have a deſperate remedy [f]."

Hereupon the king commanded the duke to accompany his highneſs in his journey.

## ARTICLE II.

### The treaty of the marriage ſevered, and by itſelf.

When the prince had arrived at Madrid, the Conde gave him a viſit; magnified exceedingly the Prince's journey; amplified the obligations his highneſs had put upon that king; and ſaid, that now without all peradventure, it muſt be a match, and we muſt part and divide the whole world betwixt us.

The next day the Conde taking the duke into his coach, and Mr. Porter for his interpreter, falling into diſcourſe of the match, he ſaid unto the duke, let us diſpatch this match out of hand, and ſtrike it up without the pope: the duke anſwered, he liked the manner very well, but deſired to underſtand the means. The means, quoth the Conde, is very eaſy; it is but the converſion of the prince; which we cannot conceive but his highneſs intended upon his reſolution for this journey.

The duke anſwered forthwith, that with freedom they came thither, and with freedom they would return again: they were no juglers, neither came they to Spain to make new

[e] Theſe matters became much worſe after the prince was in Spain. Rapin.

[f] All theſe reaſons are extremely weak. For ſuppoſing them to be true, they only prove at moſt the neceſſity of a rupture with Spain but not of the prince's journey thither. Rapin.

Charles I. bargains[g]: that the prince was ſettled in his religion; his conſcience was troubled with no ſcruples in that kind: if they ſtruck any more upon that ſtring, they would mar all the harmony. Then ſaid the Conde, there is no way but to ſend to Rome to haſten the diſpenſation; to which the duke aſſented. Hereupon the Conde wrote his letter to the cardinal Ludovicio the pope's nephew; which being ſhewed to the duke, ſeemed to him to be very heavy; the duke therefore deſired to quicken it with this poſtſcript, "That now the prince being arrived, muſt not be ſent back without a wife; that "delay to a ſuitor is a kind of refuſal; that clogging inſtructions would amount to a denial, and new conditions, "to an abſolute breach." The Conde fell into choler, and ſaid directly it could not be done. This the prince affirmed to be acted in his preſence: but the earl of Briſtol made a more benign conſtruction thereof, the duke a right-down concluſion, that this people never intended either match or reſtitution; and ſo wiſhed his highneſs fairly at home again: however the meſſenger was diſpatched to Rome.

Four or five days after his highneſs was placed to ſee his miſtreſs in her paſſage through the ſtreets, as ſhe made her viſits from church to church: but preſſing for acceſs, he was delayed, but at laſt obtained a viſit; but a very ſtrange one. He was not ſuffered to ſpeak unto her, but as they had ſet it down in words and ſyllables in writing; ſaying, they were no aſtrologers, and could not foreſee the event of this marriage: and therefore they reſolved to admit him as a prince only, and not as a ſuitor. But the Conde ſalved this up with a complement, that if the diſpenſation were once returned, he ſhould lye with her even that very night; nay, have her he ſhould upon any terms. If he could not be qualified to enjoy her as a wife, yet he ſhould have her as a miſtreſs.

Soon after, riding in a coach, it was urged by the Conde, that the infanta was of a tender conſcience, and if ſhe ſhould come into England, and find the prince an enemy to her religion, it would quite diſhearten her. His highneſs conſented to hear her upon this ſubject, becauſe he was as like to convert her, as ſhe was to pervert him. A conference with divines was preſſed upon his highneſs, which he refuſed, and ſaid, if after a diſputation with them, they ſhould not prevail againſt a young man, they would remain much diſguſted, and ill-affected to the whole negotiation; this kind of importunity was ſtill uſed towards the prince, till the return of the diſpenſation.

[g] They however made new terms. Rapin.

Six

Six weeks after the prince's arrival came the diſpenſation; but his highneſs underſtood from Rome, by Mr. Gage, that the diſpenſation was returned, much clogged in matter and manner, eſpecially with the annexed new condition. The king of Spain, before the receiving of the diſpenſation, was to take an oath to ſee all the articles performed; whereupon faculty was iſſued, really performed, or elſe to make war, in caſe of any failure, upon the king of England. Charles I.

His highneſs ſignified his reſolution unto them, that he neither could nor would add or alter any thing of the firſt articles ſent to England.

A junćto of divines are appointed to meet and conſider, whether the king might ſafely take the oath. By this time the prince had gone through all the articles, ſitting in perſon with the committee; only leaving three undecided, that of the church, that of the nurſe, and that of the education of the children; which his highneſs reſerved till he ſhould ſpeak with the king. Then ſaid the Conde, now buſineſs is in a better way than ever it was, a match, and without more ado ſhe was his wife.

But the next day came Gondomar, and ſpake unto the prince of the ſame match, as of a new thing, and told him plainly, that unleſs his highneſs came to all the conditions of the diſpenſation as they were ſent from Rome, clearly and entirely, nothing would be done; for they had no power to remove or alter a word of falſe Latin. Whereupon his highneſs was juſtly diſtaſted, and offered to break. Then they preſſed the prince, that he would be pleaſed to ſtay twenty days, until the king of Spain might receive an anſwer from England. The prince reſolved to ſtay, upon condition that Sir Francis Cottington might be diſpatched away within two days, and ſome meſſenger that might overtake him with the articles that ſhould be ſent after, as ſoon as ever they could be made ready: but the two days of their hammering ſpun out to twenty; at the end thereof they brought them with new additions.

The articles being at laſt ſent to England, the junćto of divines delivered their opinions, that the infanta could not be ſent over before the ſpring; at which his highneſs was offended, but the Conde prevailed with him to ſtay, until their ambaſſador ſhould certify out of England, that the articles were aſſented unto by king James, and put in execution, and then the lady ſhould go with the prince.

The biſhop of Segovia was pleaſed to ſay to the duke, that he had heard ſomething of the eſtate of our kingdom, and

Charles I. had received it from good hands; that our king could not make a toleration without a rebellion, and he eaſily believed it; becauſe the king of Spain is not able, in his dominions, to effect the like enterprize, without incurring the like danger; therefore he concluded, it was unſafe to ſend the lady thither at this time, becauſe we having granted as much in effect as a toleration, it was very probable ſhe ſhould be welcomed with a riſing and rebellion. To which the duke replied, that if the favours which the king his maſter had exhibited to his catholics, and the mediation of that king, and the advice of that very committee, of which that biſhop was one, be of ſo dangerous a conſequence; it ſeems their lordſhips, who gave the advice for that article, though they pretended religion, intended plain and open rebellion. But you muſt know, quoth the duke, if his highneſs had been of my lord biſhop's opinion, that theſe connivances had amounted to a toleration, he had never accepted of theſe articles to have gained any alliance: for what was agreed unto, was but a temporary ſuſpenſion of penal laws, but no toleration; for that could not be done, but by conſent of parliament. Then Gondomar hereupon ſaid, that for his part, he did not hold it fit to ſend the infanta thither, before the articles be perfectly put in execution. And Gondomar privately infuſed to the prince his highneſs, being incenſed againſt the duke, that the duke was in heart (as he ſaid all his kindred were) a Roman catholic; and he ſaid to a jeſuit of great account and zeal in thoſe parts, that the duke was a moſt obſtinate, perverſe, and refractory puritan.

About this time it was reported, that the prince intended to ſteal away; whereupon they laid wait to intercept him: hereupon the duke was ſent to tell them, that although they had ſtole thither out of love, they would never ſteal thence out of fear.

About this time the prince ſent a meſſage to his father, that if he ſhould receive any advertiſement, that he was detained by that ſtate as a priſoner, he would be pleaſed, for his ſake, never to think upon him any longer as a ſon, but reflect upon the good of his ſiſter, and the ſafety of his own kingdoms.

ARTICLE

## ARTICLE III.

The treaty of the match and reſtitution reciprocally ſubordinated.

It is fit to obſerve this paſſage, which is the hinge whereupon all his highneſs's ſubſequent actions are turned and moved. He had never ſtaid a ſevennight longer in Spain; he had never left any proxy with Briſtol; he had never taken any oath at the eſcurial; or ſo much as ever written a compliment to the lady; but that he had ſtill before his eyes, as his cynoſure [h], the promiſe made by the Conde, for the reſtitution of the Palatinate.

To haſten the delivery of the lady, the duke preſented unto the Conde, how his maſter was now in years; the prince his only ſon; and he would ſuffer in honour and reputation, to return home without his wife. The Conde conſented hereunto, and deſired the prince would name a day for his departure.

This news came to the infanta, who ſeemed to be apprehenſive of the prince's going away, and prevailed with his highneſs to return this complement unto her, that rather than he would give her Alteza any diſguſt, he would ſtay for ſeven years.

By this time Sir Francis Cottington is arrived with all things perfected by the king, and letters from the ambaſſadors of good ſatisfaction, and a command from the king to his highneſs, to make his return within one month.

Now began the Conde to enter into the treaty for the reſtitution of the Palatinate, ſaying, the lady ſhould by no means go to England, before that buſineſs was accommodated. And it was projected, that there ſhould be a reſtitution of the land to the prince Palatine, upon a condition of marriage with the emperor's daughter, and that he ſhould be bred in the emperor's court [i]. The prince demanded of the Conde, whether, in caſe the emperor proved refractory, the king his maſter would aſſiſt him with arms, to reduce him to reaſonable terms? The Conde anſwered negatively [k], becauſe they had a maxim of ſtate, that the king of Spain muſt never fight

h That is, pole-ſtar.

i It appears by the earl of Briſtol's defence, which is confirmed by a letter from king James, that this propoſal was not actually made till after the prince's departure from Madrid. Rapin.

k Either the earl of Briſtol, or the duke of Buckingham, muſt in this point not have ſpoken the truth. Rapin.

Charles I. againſt the emperor; for they would not employ their forces againſt the houſe of Auſtria.

Hereupon his highneſs made his proteſtation to the Conde: "Look to it, Sir, for if you hold yourſelf to that, there is an "end of all; for without this you may not rely upon either "marriage or friendſhip."

By this time the prince is grown cheap and vulgar in the court of Spain, ſo that they will ſcarce beſtow a viſit upon him, and the Conde came very ſeldom to him: and two letters came to the duke's hands, which ſhewed, that all that the Conde did, was nothing but flaſhes and lightning; notwithſtanding, he ſeemed at this time to be in a good humour, and told the duke, that now certainly it muſt be a match, and the devil could not break it: the duke replied, he thought ſo, and the match had need be very firm and ſtrong, it had been ſeven years in ſoadering. The Conde denied it, and ſaid plainly, it had not been really intended ſeven months; and ſaid, I will fetch that out of my deſk, that ſhall aſſure you thereof; and ſo produced two letters; the firſt was written with the king of Spain's own hand, dated the 5th of November 1622; and the other from the Conde Olivares, of the 8th of November 1622, being an anſwer to that letter[l].

"Theſe letters having been inſerted in the hiſtory of king "James I. vol. viii. page 238, there is no need of repeating "them here over again."

## ARTICLE IV.

### The prince's return from Spain.

And now the prince returning for England, being engaged to leave his proxy, did depoſite the ſame in the hands of the earl of Briſtol, who was to keep it, and uſe it as his procurator; that is, as he ſhould receive his highneſs's directions from time to time: his order for the preſent was, (ſaid the duke) that if the confirmation came from Rome clear and entire[m], (which it did not) then within ſo many days he ſhould deliver it to the king of Spain.

The ſecond direction ſent to him, was by a letter which his highneſs ſent him between his departure from the eſcurial,

[l] The earl of Briſtol pretended, theſe letters were written with no other intent but to get the negotiation out of his hands, becauſe the court of Spain was in hopes of obtaining better conditions from the duke of Buckingham. Rapin.

[m] It is very doubtful, whether this condition was inſerted in the prince's declaration. Rapin.

and

and coming to the ſea-ſide, to this effect: that for fear a mo- Charles I.
naſtery ſhould rob him of his wife, he ſhould ſtay the delivery
of the powers until the doubts were cleared; and that his highneſs would ſend him in the premiſſes ſome further directions: here becauſe my lord of Briſtol in his letter of the 1ſt of November 1623, doth preſs ſo vehemently the prince his highneſs concerning this proxy, and the prince vowed openly before both houſes [n], that he had never by oath or honour engaged himſelf not to revoke the powers more than by the clauſe, De non revocanda Procuratione, inſerted in the inſtrument itſelf, and that he conceived the clauſe to be matter of form; and although eſſentially of no binding power, yet uſually thruſt into every ſuch inſtrument; and that the Civilians do hold, that it is lawful by the civil and canon law, for any man to revoke his proxy of marriage, notwithſtanding it hath the clauſe, De non revocanda Procuratione inſerted in it: therefore as to this point the duke concluded, that the earl of Briſtol, in charging this matter ſo highly on the prince, had much forgot himſelf [o].

## ARTICLE V.

### The ſubſequent proceedings of his majeſty in both the treaties, ſince the return of his highneſs.

The prince, by the mercy of God, came to Royſton, and made his relation to the king of all that had paſſed. His majeſty was glad, and told him, that he had acted well the part of a ſon; and now the part of a father muſt come upon the ſtage, which was to provide with all circumſpection, that his only ſon ſhould not be married with a portion of tears to his only daughter. And therefore his majeſty commanded by an expreſs diſpatch, the ſtay of the proxy in the earl of Briſtol's hands, until he had ſome better aſſurance of the reſtitution of the Palatinate.

Then was read his majeſty's letter to the earl of Briſtol, dated the 8th of October 1623, wherein the earl of Briſtol was required by the king, "ſo to endeavour, that he might "have the joy of both treaties at Chriſtmaſs;" namely, thoſe about the marriage, and the reſtitution of the Palatinate. This the duke would have had looked upon as a poſitive order, not to deliver up the procuration, till the reſtitution of

[n] About five months after. Rapin.

[o] See the earl of Briſtol's defence, Article X.

Charles I. the Palatinate was actually promiſed; concerning which matter, ſee the earl of Briſtol's anſwer to the tenth article of his accuſation.

After that the duke went on in the following manner: you would perceive that by this diſpatch, Briſtol would lay hold on all hints and emergent occaſions, to put off the deſponſories without this required aſſurance by arms firſt obtained; but the truth is, he did not ſo.

For 1ſt, the confirmation came from Rome, clogged and mangled; and inſtead of challenging thereupon, he labours with no ſmall ſtrength of wit to hide and palliate the ſame [p].

2. In the temporal articles the portion was altered, from ſix hundred thouſand pounds in ready caſh, to ſome eighty thouſand pounds in money, and a few jewels, and a penſion of twenty thouſand pounds per annum. Inſtead of quarrelling with this mean alteration, he ſeems to approve and applaud the payment [q].

3. For the aſſurance of reſtitution of the Palatinate, the main foundation, both of match and friendſhip, he is ſo far from providing for it before, (which was the method preſcribed by the king) that he leaves it to be mediated by the infanta after the marriage.

Laſtly, Inſtead of putting off the contract, as any man in the world (upon the diſpatch from Royſton) would have done, he comes to prefix a preciſe day for the deſponſories.

Now from this raſh fixing of the day for the deſponſories in Spain, which was controlled again by an expreſs [r], from hence iſſued an unneceſſary diſcourteſy put upon the king, and in a manner upon the infanta, by the earl of Briſtol: from that proceeded a great affront put upon the prince, the taking away the title La Princeſſa from the infanta, and the debarring of our ambaſſadors from any further acceſs to her perſon.

Then was produced an anſwer of the king of Spain, to the memorial of the Engliſh ambaſſador, implying a refuſal to

[p] This could not be true. For the diſpenſation did not come from Rome till the beginning of December 1623, and the king's abſolute order not to deliver the diſpenſation, was dated November 23. Therefore the earl of Briſtol had not time to write to England, to palliate the defects of the diſpenſation, ſuppoſing it to have had any. Rap.

[q] This muſt be miſrepreſented: for if the earl of Briſtol had been guilty of ſuch prevarication, the king would not have failed to bring it as an article of accuſation againſt him, which alone would have been ſufficient to condemn him. Rapin.

[r] It was the prince himſelf, and the duke, who had agreed with the king of Spain on the day the marriage ſhould be ſolemnized, viz. ten days after the coming of the diſpenſation, which the earl of Briſtol altered not. Rapin.

aſſiſt

assist by arms for the recovery of the Palatinate, in case the emperor consented not to a restitution. Charles I.

## ARTICLE VI.

This question the duke stated after this manner: Whether this being the full effect and product of all the negotiation, which I have opened unto you, be sufficient Super totam materiam, for his majesty to rely upon with any safety; as well for the marriage of his only son, as for the relief of his only daughter? Or, that these treaties set aside, his majesty were best to trust to his own strength, and to stand upon his own feet? So the duke ended with this conclusion, that if the bringing us from darkness to light, did deserve any thanks, we owe it, and must wholly ascribe it to the prince his highness.

It is needless, I think, to make upon this narrative, reflections which may occur to every reader, after having seen the earl of Bristol's defence. I shall content myself therefore with observing, how little proper this narrative was to afford sufficient information to the two houses of parliament, to enable them, upon good grounds, to form their resolutions concerning the question proposed to them by the king. And yet upon this alone it was that they resolved to advise the king to break with Spain, and this hasty advice was the principal cause of the differences afterwards between Charles I. and his parliaments.

THE

THE

# HISTORY

OF

# ENGLAND.

## BOOK XX.

*Containing the ſecond part of the Reign of* CHARLES I. *from the year* 1640 *to* 1642.

Charles I. 1640.

THE king's affairs, at the meeting of the parliament, were in a very ill ſituation. Inſtead of ſubduing the Scots, as he had flattered himſelf, he had the mortification to ſee them enter England, force the paſſage of the Tine, defeat a conſiderable body of his army, and render themſelves maſters of Newcaſtle. Moreover, he ſaw his own troops not very ready to ſerve him. They conſiſted, for the moſt part, of ſoldiers liſted againſt their wills in the ſeveral counties, and prejudiced like the reſt of the nation againſt the government. Beſides, the valour of the Scots being magnified by thoſe who had been routed, and by the king's private enemies, inſpired the Engliſh troops with ſome terror. Moreover, the king wanted money to pay them. His whole reſource was the two hundred thouſand pounds borrowed of the city of London, till it ſhould pleaſe the parliament

Novemb. 3. State of the king's affairs.

liament to furniſh him with the neceſſary ſupplies. But he could hardly expect that the parliament would be favourable to him. It was univerſally believed he had called it againſt his inclination, and becauſe he could find no other way to free himſelf from his preſent circumſtances, what had paſſed in the four parliaments held ſince the beginning of his reign, the diſſolutions of theſe parliaments with heat and animoſity, the impriſonment of the members, the diſcontinuance of parliaments for twelve years, the taxes impoſed by the king's ſole authority during that ſpace, the monopolies upon all ſorts of goods and commodities, the decay of trade, the open protection granted by the king to the papiſts and arminians, the ſeverities exerciſed upon the preſbyterians, the innovations in religion, the almoſt univerſal ſuſpicion of a deſign to introduce popery, the exceſſive authority uſurped by the council and ſtar-chamber, the corruption of the judges, in a word, the principles of arbitrary power aſſerted by the court, bred a general diſcontent. The king was not ignorant of it, and till now had diſregarded it: but he began to dread the conſequences when he ſaw himſelf upon the point of being expoſed to the ill humour of a new parliament, who probably would not loſe the opportunity of labouring the redreſs of grievances, which the former parliaments had in vain demanded. Nevertheleſs he was ſo prejudiced and exaſperated againſt the Scots, that he ſtill hoped the new parliament would look upon their entrance into England as an invaſion, as a war made, not upon the king, but the kingdom, and would furniſh the means to drive them into their country and chaſtize their audacioufneſs. But it was not long before he perceived his hopes were ill-grounded. Charles I. 1640.

The parliament met the 3d of November, according to the king's writs: there had never been a more numerous aſſembly, very few members being abſent [a]. Every one looked upon this as the faireſt opportunity that could poſſibly offer to cure the evils of the kingdom; and all the members, except ſuch as were entirely devoted to the king, were ready to contribute to the reſtoring of the government to its true and ancient conſtitution. Accordingly this was what the people expected. On the firſt day, the king made the following ſpeech to both houſes. The parliament meets. Clarendon, tom. i. p. 135. Id. p. 137.

a Dr. Welwood affirms, that no age ever produced greater men than thoſe that ſat in this parliament. Memoirs, p. 2.

"My

Charles I. 1640.

" My lords.

" THE knowledge I had of the deſires of my Scotiſh ſubjects, was the cauſe of my calling the laſt aſſembly of parliament; wherein had I been believed, I ſincerely think that things had not fallen out as now we ſee. But it is no wonder that men are ſo ſlow to believe that ſo great a ſedition ſhould be raiſed on ſo little ground. But now, my lords and gentlemen, the honour and ſafety of this kingdom lying ſo near at ſtake, I am reſolved to put myſelf freely and clearly on the love and affection of my Engliſh ſubjects, as theſe of my lords that did wait on me at York, very well remember I there declared.

The king's ſpeech at the opening of the parliament. Ruſhworth, tom. iii. p. 1335. iv. p. 11. Nalſon, tom. i. p. 481. Annals, p. 879.

" Therefore, my lords, I ſhall not mention my own intereſt, or that ſupport I might juſtly expect from you, till the common ſafety be ſecured; though I muſt tell you, I am not aſhamed to ſay, thoſe charges I have been at have been merely for the ſecurity and good of this kingdom; though the ſucceſs hath not been anſwerable to my deſires: therefore I ſhall only deſire you to conſider the beſt way both for the ſafety and ſecurity of this kingdom; wherein there are two parts chiefly conſiderable. Firſt, the chaſing out of rebels [b]. And ſecondly, that other, in ſatisfying your juſt grievances, wherein I promiſe you to concur ſo heartily and clearly with you, that all the world may ſee my intentions have ever been and ſhall be to make this a glorious and flouriſhing kingdom. There are only two things that I ſhall mention to you: the one is to tell you, that the loan of money which I lately had from the city of London, wherein the lords that waited on me at York aſſiſted me, will only maintain my army for two months, from the beginning of that time it was granted. Now, my lords and gentlemen, I leave it to your conſiderations what diſhonour and miſchief it might be, in caſe for want of money my army be diſbanded before the rebels be put out of this kingdom. Secondly, the ſecuring againſt the calamities the northern people endure at this time, and ſo long as the treaty is on foot: and in this I ſay not only they, but all this kingdom will ſuffer the harm: therefore I leave this alſo to your conſideration, for the ordering of thoſe great affairs, whereof you are to treat at this time. I am ſo confident of your love to me, and

[b] That is, the Scots. Some exception being taken at the king's calling them rebels, he explained and juſtified that expreſſion in a ſpeech to the lords, November 7. See Ruſhworth, tom. iv. p. 17. Whitelock, p. 38.

" that

" that your care is for the honour and ſafety of the king- Charles I.
" dom, that I ſhall freely and willingly leave to you where 1640.
" to begin. Only this, that you may the better know the
" ſtate of all the affairs, I have commanded my lord keeper
" to give you a ſhort and free account of thoſe things that
" have happened in this interim, with this proteſtation, that
" if this account be not ſatisfactory as it ought to be, I ſhall,
" whenſoever you deſire, give you a full and perfect account
" of every particular. One thing more I deſire of you, as
" one of the greateſt means to make this a happy parliament,
" that you on your parts, as I on mine, lay aſide all ſuſ-
" picion one of another; for, as I promiſed my lords at
" York, it ſhall not be my fault if this be not a happy and
" good parliament."

The lord keeper's ſpeech to the parliament. Ruſhworth, tom. iv. p. 12. Nalſon, tom. i. p. 482.

After the king had done ſpeaking, the lord keeper Finch made his ſpeech. He began with encomiums of the king and queen, and then endeavoured to perſuade the two houſes that the calling of the parliament was wholly owing to his majeſty, who had reſolved it before he received any petition on that ſubject[c]. After that, he endeavoured to ſhow, though in a very general manner, that the Scots had violated the late treaty, and the king, againſt his will, taken up arms by the unanimous advice of his council, to reduce them to obedience. He concluded with informing both houſes of what had paſſed as well in the beginning of the war as in the conferences at Rippon.

Lenthall choſen ſpeaker.

The commons being returned to their houſe, choſe for ſpeaker William Lenthall, a bencher of Lincoln's Inn, who was propoſed by ſir Henry Vane, ſecretary of ſtate[d]. This choice being approved by the king, they appointed, according to cuſtom, a committee to examine all queſtions that might ariſe about elections, returns, or other privileges of the houſe. Then it was reſolved, that a committee of the whole houſe ſhould meet on certain days of the week, for theſe five principal heads, namely, for religion, grievances, courts of juſtice, trade, and Ireland. Theſe were the articles which

The commons ſettle ſeveral committees. Ruſhworth, tom. iv. p. 19. Clarendon. tom. i. p. 151.

[c] And yet the lord Clarendon aſcribes the calling the parliament to the advice of the great council of peers at York. Rapin.

[d] The lord Clarendon ſays, the king deſigned ſir Thomas Gardiner, recorder of London to be ſpeaker: but he could not get himſel elected for London, nor any other burrough. And no wonder, if it be true as Whitelock ſays, that ſuch a ſpirit of oppoſition to the court-proceedings, was in the hearts and actions of moſt of the people, that very few of that party had the favour to be choſen members of this parliament. Clarendon, tom. i. p. 135. Whitelock, p. 37.

chiefly

Charles I. 1640. chiefly occaſioned the nation's complaints and murmurs, and the commons thereby evidently diſcovered their intentions.

As from the 3d of November 1640, to the 25th of Auguſt 1642, the hiſtory of this reign wholly conſiſts of parliamentary tranſactions, I think it neceſſary before all things to give a deſcription of this parliament, and of the different parties into which it was divided. It will afterwards be more eaſy to perceive the motives of their acts and reſolves, and withal the true grounds of the civil war that afflicted England.

Diſpoſition of the parliament with reſpect to grievances. Clarendon, tom. i. p. 137. Ruſhworth, tom. iii. p. 1336, etc.

Firſt, it is certain there was hardly a member of either houſe but what was diſpoſed to procure the redreſs of the grievances ſo long complained of. Theſe grievances were ſo manifeſt, that it was almoſt impoſſible, without ſubverting the conſtitution of the government, to find plauſible reaſons to juſtify the king's and the miniſtry's conduct, during the fifteen foregoing years. They were of ſuch a nature, that no man was free from them, not even thoſe who ſerved for inſtruments to impoſe them on the people, though they were in great meaſure indemnified ſome other way. In ſhort, they were of ſuch conſequence, that admitting the principles whereon they were founded, the neceſſary reſult was a total ſubverſion of the government, and an arbitrary power unknown to the Engliſh for many ages. It may therefore be affirmed, that from the very beginning of this parliament, the general ſentiment of both houſes was, that the preſent opportunity of applying proper remedies to the evils of the kingdom was not to be neglected.

But the members were divided upon a principal point, which however flowed from the general diſpoſition. Some were of opinion, that after all the grievances were redreſſed, the government ſhould be reſtored to its natural ſtate, ſuch as it was before the reigns of James and Charles, without any additions or alterations. Others, on the contrary, thought that after the redreſs of grievances, it would be neceſſary to uſe ſome effectual method to put it out of the king's power ever to invade the liberties of the people and the privileges of the parliament: but theſe carefully concealed their intentions, leſt they ſhould give occaſion to the others to ſuſpect a deſign to alter the eſtabliſhed government, and cauſe them to oppoſe even the moſt reaſonable things, out of fear of the conſequences. They hoped to find, or ſtart, in time, opportunities enough to inſpire the whole nation with a diſtruſt of the king, and by that means to accompliſh their ends.

Such

Such being the general diſpoſition of the parliament, it is evident the entrance of the Scots into England was to be deemed a very conſiderable advantage, granted to the Engliſh by providence, to hinder the king from breaking the meaſures which might be taken againſt him. The king was under an abſolute neceſſity to maintain an army for his defence againſt the Scots, without having for that purpoſe other means than the aſſiſtance of the parliament: for the times being changed, the impoſing of arbitrary taxes could not be practiſed any longer, upon which probably he had depended in the beginning of the war, ſince, in a month after taking the field, he was deſtitute of money to pay his troops. So it was the parliament's intereſt to keep the king in his neceſſity, that he might not be able to oppoſe the reſolutions of the two houſes. It is not therefore to be thought ſtrange, that the parliament did not much attend to what the king moſt deſired, namely, to be enabled to drive the Scots out of the kingdom, ſince on the contrary the preſence of the Scots gave the two houſes a ſuperiority they were unwilling to loſe. Charles I. 1640.

The ſentiments of the parliament were alſo very various with reſpect to religion. There were in the houſes rigid epiſcopalians, who believed biſhops eſſential to religion, and that without them there was no lawful ordination, nor conſequently any valid adminiſtration of the ſacraments: of this number were the biſhops, and almoſt all the king's party. There were moderate epiſcopalians, who being ſincerely attached to the church of England, had however different ideas of epiſcopacy: they had a veneration for epiſcopal government, as being very ancient in the church, and what they moſt liked; but though they had no deſign to alter it, they did not think it however ſo abſolutely neceſſary, but that religion might well ſubſiſt under any other kind of government: this was the prevailing opinion, and eſpouſed by a majority in both houſes. Wherefore it may be ſaid, that in the beginning of this parliament the members in general had no intention to attack the government of the church, eſtabliſhed in England ſince the reformation. With reſpect to religion.

But there was in the two houſes another party more powerful by the ability of their leaders than by their number: I mean that of the preſbyterians, who were divided alſo into moderate and rigid. The former had no other view than to obtain ſome liberty and ſecurity againſt perſecution. The latter were of a different ſtamp. They conſidered epiſcopal government as repugnant to the word of God,

Charles I. 1640. and the jurisdiction of the bishops as a real tyranny. These were the particular objects of the hatred of the king; ministry bishops, and most of the clergy, because their principles tended to the utter ruin of the church of England. For that reason they believed there was no safety for them, but in an entire change of episcopal into presbyterian government. But they easily perceived, that to attain their ends the king was to be disabled to oppose them, knowing that, as long as it was in his power, he would never consent to that change. Their number was however so inconsiderable, that they would have made no figure in the parliament, had they not been supported by the Scots, whose aid they could not be without. Moreover, among these rigid presbyterians lay concealed a certain set of men, known afterwards by the name of Independents, who held, concerning civil as well as ecclesiastical government, uncommon opinions, which they took care not to explain till they found occasion to publish them. They were contented for some years to conceal themselves among the rigid presbyterians, in order at a proper time to accomplish their designs more effectually. It was the particular interest of these men so to manage, that the government of the state should be changed, or rather overthrown, well knowing their party could never subsist but in anarchy. And therefore, without discovering their intentions, they improved all occasions to sow and cherish discord between the king and the parliament. The whole presbyterian party was directed by the heads of the rigids and independents, men of great parts, who, without discovering themselves more than was necessary, seemed to confine their designs to the redress of grievances, which was the general aim of the parliament, and wherein almost all were united. They found a double advantage in this conduct: first, they removed all suspicion of their intending to change the government of church or state, and with all preventing the union of the other members, who would not have failed to unite, in order to oppose such a change. The second advantage was, that by being solely intent at first upon the redress of grievances, they had frequent occasions of exclaiming against the king's former administration, and fomenting the parliament's distrust and jealousy of him: for it was by that chiefly they hoped to be able to execute their projects.

Such being the disposition of the parliament, it is easy to perceive the reason why the commons were so intent at first upon the redress of grievances, as well public as private. A great number of petitions upon that subject were presented to them,

Rushworth, tom. iv. p. 20. iii. p. 1336, etc.

them, within a few days after their meeting. Many members were likewiſe charged with the like petitions from their burroughs and ſhires, and ſeveral very mortifying ſpeeches to the king and his miniſters were made in the houſe [e]. Of all theſe ſpeeches I ſhall inſert only one, wherein are enumerated all the public grievances, of which the people thought to have reaſon to complain: it is that of Mr. Pym, member of parliament for Taviſtock in the county of Devon [f].

Charles I. 1640.

Nalſon, tom. i. p. 491, etc.

" Mr. Speaker,

" TO redreſs grievances will not hinder, but further the " ſervice of the king: to take away the weights, does " as much advantage motion, as to add wings.

Pym's ſpeech about grievances. Ruſhworth, tom. iv. p. 21.

" I ſhall, 1. Inſtance ſeveral heads of theſe grievances we " labour under. 2. Demonſtrate them to be as hurtful to " the king as to the people. 3. That the remedies will " prove equally good to both of them.

" The king can do no wrong; the law caſts all miſcarri- " ages upon the miniſters: thus the influence of heaven con- " veyeth vigour into ſublunary creatures; but the malignity " of all epidemical diſeaſes proceedeth from the ill-affected " qualities of the earth or air.

" There are a threefold ſort of grievances: 1. Some againſt " the privilege of parliament: 2. Others to the prejudice of " religion: 3. Some againſt the liberty of the ſubject. For " the firſt, the members are free from arreſts; to have liber- " ty of ſpeech; a legiſlative, judiciary, and conciliary power; " being the ſame to the body politic, as the faculties of the " ſoul to a man.

" Theſe privileges have been broken: 1. In reſtraining " the members from ſpeaking. 2. In forbidding the ſpeaker " to put a queſtion; both of theſe practiſed in the laſt parlia- " ment. 3. By impriſoning divers members for matters " done in parliament. 4. By proceedings againſt them for " the ſame in the inferior courts. 5. Enjoining them to

[e] Arthur Capel (afterwards lord Capel) preſented a petition for Hertfordſhire, ſir John Packington for Worceſterſhire, ſir John Culpeper for Kent, ſir Philip Muſgrave for Weſtmoreland, ſir Francis Seymour for Wilts, (theſe turned afterwards for the king); Henry Bellaſis and Ferdinando lord Fairfax for Yorkſhire, ſir Edmund Mountford for Norfolk, ſir Thomas Barrington for Eſſex, William Pierpoint for Shropſhire, ſir Guy Palmer for Rutland, etc. Ruſhworth, tom. iv. p. 21.

[f] Rapin, by miſtake, has inſerted in his hiſtory Mr. Pym's ſpeech which he he ſpoke the 17th of Auguſt, in the laſt parliament, and of which mention is made above, p. 52. Wherefore the tranſlator has inſerted here the true ſpeech, as it is found in Ruſhworth, tom. iv. p. 21.

Charles I. 1640. "give ſecurity for their good behaviour, and continuing them "in priſon even to the death. 6. In abrupt diſſolutions of "parliament; the great grievance; like the execution of a "man without being heard: it receives a being by the ſum- "mons, and a civil death by diſſolution; not only thereby to "die, but to be made inteſtabiles, uncapable of making their "wills, the good acts that they were about.

"The ſecond is, encouragement of popery: 1. By ſuſpen- "ſion of laws againſt them: now it is certain, there can be "no ſecurity from papiſts, but in their diſability; their prin- "ciples are incompatible with any other religion; laws will "not reſtrain them, nor oaths; for the pope diſpenſeth with "both, and his command acts them againſt the realm in "ſpirituals and temporals, in ordine ad ſpritualia. Henry III. "and Henry IV. of France, were no proteſtants, yet were "murthered becauſe they tolerated reformation. 2. By al- "lowing them places of truſt and honour in the common- "wealth. 3. Their free reſort to London, and to the "court; to communicate their counſels and deſigns, diving "into the ſecrets of ſtate. 4. That as they have a congre- "gation of cardinals at Rome, for advancing the pope's au- "thority in England; ſo have they a nuntio here, for the "execution thereof.

"Then as to innovations of religion introduced: 1. Main- "tenance of popiſh tenets, in books, ſermons, and diſputa- "tions. 2. Practice of popiſh ceremonies countenanced and "enjoined, as altars, images, crucifixes, bowings, etc. "Theſe I may in ſome reſpect compare to the dry bones in "Ezekiel, which firſt came together, then ſinews and fleſh "came upon them, afterwards the ſkin covered them, and "then breath and life was put into them; ſo firſt the form, "then the ſpirit and life of popery was to come amongſt us. "3. Preferment of perſons popiſhly affected. 4. The diſ- "couragements of proteſtants, by over-rigid proſecutions of "the ſcrupulous for things indifferent: no vice made ſo great "as inconformity; by puniſhing without law, for not read- "ing the book for Sunday recreations; for not removing the "communion-table otherwiſe; for not coming to the rails "to receive the communion; for preaching on the Lord's "day in the afternoon; for catechiſing otherwiſe than as in "the ſhort catechiſm in the Common Prayer Book. 5. By "incroachment of eccleſiaſtical juriſdiction; particularly, 1. "In fining and impriſoning without law. 2. Challenging "their juriſdiction to be appropriated to their order jure di- "vino. 3. Contriving and publiſhing new articles of viſita-

tion,

" tion, new canons; and the boldneſs of biſhops, and their Charles I.
" ſubordinate officers and officials. 1640

" As to the third ſort of grievances, I ſhall obſerve rather
" the order of time when they were acted, than the conſe-
" quence; but when we come to the cure, it will be beſt to
" begin with the moſt important.

1. " There is firſt, tunnage and poundage, and the late new
" book of rates taken by prerogative, without grant of par-
" liament; from whence theſe inconveniencies follow: 1.
" Mens goods are ſeized, their ſuits ſtopt. 2. Miſemploy-
" ment of the ſums of money impoſed; for though intended
" for the guard of the ſeas, they are diſpoſed to other uſes,
" and a new tax raiſed for the ſame purpoſe. 3. The
" burthen exceſſive, trade hindered, home-commodities abaſ-
" ed, and foreign inhanſed; by which means the ſtock of
" the kingdom is diminiſhed, eſpecially to the poor planters
" in America, by the tax upon tobacco.

" There is compoſition for knighthood; which, though it
" refers to a former cuſtom, yet upon the ſame grounds,
" the king may renew it by a new fine, immoderate multi-
" plication of diſtreſs and iſſues, and enforce them to com-
" pound with the commiſſioners. An inundation of mono-
" polies undertaken by papiſts, and full of miſchief: firſt,
" By impairing the goodneſs, and inhanſing the price of ſalt,
" ſoap, beer, coals, etc. Secondly, Under colour of which,
" trade was reſtrained to a few hands. Thirdly, Many per-
" ſons thereupon illegally impriſoned.

" But the great and unparalleled grievance is the ſhip-
" money, being aggravated, not ſupported by the judgment,
" which is is not grounded upon law, cuſtom, precedent, or
" authority: it being improper for a caſe of neceſſity; and
" abounding in variety of miſchief; as, firſt, The general
" extent to all perſons, all times, and the ſubject left reme-
" dileſs. Secondly, The arbitrary proportion without limits.
" Thirdly, Impoſed by writ, and diſpoſed by inſtructions.
" Improper for the office of a ſheriff in the inland coun-
" ties, and inconvenient for the inhabitants; without rule or
" ſuitable means for the levying or managing of it.

" The enlargements of foreſts beyond the bounds of the
" ſtatutes 27 and 28 Edw. I. which perambulations then
" were the cauſe of that famous Charta de Foreſta: and now
" reviving theſe old queſtions, new diſtempers may follow,
" and particular obliquities we may already obſerve, and ſur-
" reptitious proceedings, as in Eſſex; yet that verdict was
" enforced in other counties, and a judgment upon the mat-

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ter after three or four hundred years quiet poſſeſſion of the ſubject, who thereupon is forced to compound for great fines.

"The ſelling of nuſance: the king as a father of the commonwealth, is to take care of the public commodities and advantages of the ſubjects, as rivers, high-ways, and common-ſewers, by ordinary writs, Ad quod damnum: but now by a courſe extrajudicial, by inforcing compoſitions: ſo then, if really it be a nuſance that is compounded for, it is an hurt to the people; if no nuſance, then it is a grand prejudice to the party.

"The commiſſion for buildings about London, was preſented as a grievance in the time of king James; now much more encreaſed, and much more prejudicial.

"The commiſſion for depopulations began ſome few years ſince; by both theſe commiſſions, the ſubject is reſtrained from diſpoſing of his own; demoliſhing their houſes, puniſhing and fining their perſons for that, for which they are ſtill liable by law; for the king cannot licence a nuſance; and although theſe are not nuſances, yet it is of ill-conſequence to be compounded for, and may make a precedent for kings to licence ſuch things as are nuſances indeed.

"Military charges ought not to be laid upon the people by warrant of the king's hand, nor by letters of the council-table, nor by order of the lords lieutenants of counties, nor their deputies. It began to be practiſed as a loan for ſupply of coat and conduct-money in queen Elizabeth's time, with promiſe to be repaid it, as appears by a conſtat-warrant in the exchequer, and certain payments: but now a-days never repaid. The firſt particular brought into a tax was, the muſter-maſter's wages; which being but for a ſmall ſum, was generally digeſted: yet in the laſt parliament, it was deſigned to be remedied. But now there follows preſſing of men againſt their wills, or to find others. 2dly, Proviſions for public magazines for powder, ſpades, and pickaxes. 3dly, Salary of officers, cart-horſes, carts, and ſuch like.

"The extrajudicial declarations of judges without hearing of counſel or argument: a teeming grievance, productive of many others.

"Monopolies countenanced by the council-table, and the clauſe of their patents of monopolies, commanding the juſtices of the peace to aſſiſt them; whereby the great abilities of that honourable board, receive a ſtain by ſuch matters of

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" ſo mean a report in the eſtimation of the law, ſo ill in Charles I.
" the apprehenſion of the people. 1640.

" The high-court of ſtar-chamber, called in the parliament rolls Magnum Concilium, to which the parliaments were wont to refer ſuch matters as they had not time to determine: a court erected againſt oppreſſion, a court of councils, and a court of juſtice, now an inſtrument of erecting and defending monopolies, to ſet a face of public good on things pernicious.

" That great and moſt eminent power of the king in edicts and proclamations, called Leges Temporis, uſed heretofore to encounter with ſudden and unexpected danger, till the great council of the king could be called, hath of late been exerciſed for enjoining and maintaining monopolies. But the laſt and greateſt grievance leads us a ſtep higher, even as high as heaven, as the throne of God, his word and truth. The ambitious and corrupt clergy, preaching down the laws of God, and liberties of the kingdom; pretending divine authority and abſolute power in the king; to do what he will with us; and this preaching is the highway to preferment; as one Manwaring ſentenced in the former parliament for this doctrine, then a doctor, is now become a biſhop. The intermiſſion of parliaments contrary to the ſtatute, whereby they are to be called once a year, is the main cauſe of all theſe and other miſchiefs, to which parliaments give remedy.

" Theſe grievances are as well hurtful to the king as to the ſubjects, by interrupting their communion; they have need of his general pardon, and to be ſecured from projectors and informers; to be freed from obſolete laws, and and from the ſubtle devices of ſuch who ſeek to ſtrain the prerogative to their own private advantage, and the public hurt; and the king hath need of them for counſel, for ſupport. Queen Elizabeth's victorious attempts, were for the moſt part carried on upon the ſubjects purſes, and not upon her own; though the honour and profit were hers. Theſe diſcontents at home diminiſh the king's reputation abroad, and diſadvantage his treaties, and weaken his party beyond ſea; by encouraging popery; by forcing the ſubjects to leave the kingdom, to the prejudice of the king's cuſtoms and ſubſidies. As for inſtance, divers clothiers forced away, who ſet up their manufacture abroad to the hurt of the kingdom.

" The king hath received upon the monopoly of wines, thirty thouſand pounds per ann. The vintner pays forty

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"shillings per tun, which comes to ninety thouſand pounds; "the price upon the ſubject by retail is increaſed two-pence "a quart, which comes to eight pounds a tun; and ſo forty-"five thouſand tun brought in yearly, amounts to three hun-"dred ſixty thouſand pounds; which is three hundred and "thirty thouſand pounds loſt to the kingdom, above the king's "receipt.

"Now the remedies, and removing theſe grievances, con-"ſiſt of two main branches; in declaring the law where it is "doubtful, and in providing for the execution of the law "where it is clear. But theſe I refer to a farther time, and "for the preſent adviſe ſpeedily to deſire a conference with "the lords touching grievances; and always to humble our-"ſelves for God's aſſiſtance."

As Mr. Pym, who ſpoke this ſpeech, was one of the leading men in the houſe of commons, he was extremely applauded, and the more, that in giving a ſummary of all the public grievances, he had not uſed any diſreſpectful terms againſt the king or his miniſters. This ſpeech was followed with another by ſir Benjamin Rudyard, who, to intimate that there was a ſettled deſign to introduce popery and arbitrary power into England, expreſſed himſelf after this manner:

Expreſſions of a member about the perſecution of the puritans. Nov. 7. Ruſhworth, iv. p. 24. Nalſon, t. i. p. 491.

"They have brought it to paſs, that under the name of "puritans, all our religion is branded; and under a few hard "words againſt jeſuits, all popery is countenanced. Who-"ſoever ſquares his actions by any rule either divine or hu-"man, he is a puritan; whoſoever would be governed by "the king's laws, he is a puritan; he that will not do what-"ſoever other men would have him do, he is a puritan: their "great work, their maſter-piece, now, is to make all thoſe of "the religion, to be the ſuſpected party of the kingdom."

Ruſhworth, id. p. 28.

Theſe ſpeeches were ſeconded with ſo great a number of complaints and petitions concerning grievances both public and private, that the houſe was divided into above forty committees upon this ſingle article, according to the different nature of the complaints. But before the particular examination of theſe grievances was begun, the commons thought fit to deſire the concurrence of the lords to move the king, that he would be pleaſed to appoint a faſt, which met with no oppoſition either from the lords or the king[g]. Then they appointed a committee to examine what number of papiſts were in and about London, and how they were armed. As the

A faſt appointed. Nov. 17. Nalſon, t. i. p. 504.

Committee to examine the proclamation againſt recuſants.

[g] Dr. Cornelius Burgeſs, and Stephen Marſhall, preached on that day before the houſe of commons, and prayed at leaſt ſeven hours betwixt them. Diurnal Occurrences, p. 4.

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king, by a meſſage, had acquainted them with his deſign to publiſh a proclamation againſt recuſants, the committee was empowered to examine the ſame after the publication, and ſee how it was executed. Charles I. 1640.

Two days after, on the 9th of November, the houſe going upon the grievances, the lord Digby, ſon of the earl of Briſtol, made on that ſubject a ſpeech, which he concluded with this motion, "That a ſelect committee may be appointed to "draw out of all that has been complained of, ſuch a remon- "ſtrance as may be a faithful and lively repreſentation to his "majeſty of the deplorable eſtate of the kingdom [h]." Very probably, this motion had been reſolved among the leaders, becauſe they were apprehenſive of the king's oppoſing the redreſs of grievances, and becauſe in that caſe it was requiſite to ſhow the people the neceſſity of this redreſs, by informing them wherein conſiſted the grievances of the nation. The lord Digby's motion being approved, the houſe appointed a committee of twenty-four to prepare the remonſtrance. But becauſe the king ſhowed greater condeſcenſion than was expected, the remonſtrance was not drawn till above a year after, and upon another occaſion.

A motion to make a remonſtrance of the ſtate of the kingdom. Nov. 9. Ruſhworth, iv. p. 30, &c. Nalſon, t. i. p. 507.

Committee appointed to draw it up. Ruſhworth, iv. p. 37. It is deferred.

Sir John Culpeper, one of the members who had ſpoken upon the grievances, having chiefly inſiſted on monopolies, it was voted, that all ſuch members as directly or indirectly had any ſhare in, or benefit from any project or monopoly, ſhould be diſabled to ſit in the houſe, and that Mr. Speaker ſhould iſſue out writs to chuſe others in their room. There were afterwards four expelled the houſe upon that account [i].

Votes againſt monopolies. Ruſhworth, iv. p. 37. Clarendon, t. i. p. 140. Petitions from Prynn, Baſtwick, Burton, &c. Nov. 7. Ruſhworth, iv. p. 20, 41, 67, 74, &c. Clarendon, t. i. p. 159. Nalſon, t. i. p. 499, 511, 514, 519. Diurn. Occur.

During the four or five firſt days, the houſe of commons was almoſt wholly employed in receiving petitions and complaints, as well from private perſons, as from burroughs and ſhires. Amongſt the private petitions, the moſt remarkable was thoſe of Baſtwick, Burton, Pryn [k], Lilburn, Leighton,

[h] In this ſpeech he mentions among other things, the new canon-oath, and ſays, "My opinion of the oath is, that "it is a covenant againſt the king for "biſhops; as the Scotiſh covenant is "againſt the king and biſhops, only ſo "much worſe than the Scotiſh, as they "admit not of the ſupremacy in eccle- "ſiaſtical affairs, and were ſworn to "it." Ruſhworth, tom. iv. p. 32. Whitelock, p. 38.

[i] Whitelock ſays, many members thereupon withdrew themſelves, and new elections were made in their rooms. p. 38.

[k] See an account of the ſevere puniſhment of theſe three perſons above, p. 25, note [l]. They were now, by order of parliament, brought from their ſeveral places of confinement to London. Prynn and Burton landing at the ſame time, viz. November 28, at Southampton, were received with extraordinary demonſtrations of eſteem, had their charges bore, and liberal preſents given them. This method and ceremony kept them company all their journey, and ſo many people met them upon their approach to London, that they were carried into the city by above ten thouſand perſons, with boughs and flowers in their hands. Clarendon, tom. i. p. 160. Nalſon, tom. i. p. 570.

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Jennings, Smart[l]. These men complained of the exorbitant pains and penalties inflicted on them by the ſtar-chamber and high-commiſſion. As I intend not to dwell upon the affairs of private perſons, I ſhall only ſay, that within the ſpace of about a year, the commons found time to examine all theſe ſentences one after another, and to puniſh the members of the ſtar-chamber, who had given their votes, by condemning them to pay all the coſts and damages to the parties. The reparations to Baſtwic, Pryn, and Burton, were fixed to above four thouſand pounds each[m]. All the other complaints of private perſons againſt the courts of juſtice, or the ſtar-chamber and high-commiſſion, or certain biſhops and deans, who laboured more than the reſt, to introduce innovations in religion, were heard. The commons took a pleaſure to mortify in their turn, thoſe who had ſtretched the prerogative royal in perſecuting the puritans, or rather ſuch as did not bear the yoke patiently, who were confounded under that name, with the preſbyterians.

Grievances of private perſons redreſſed.

If the commons endeavoured to do juſtice to private perſons, who had ſuffered any injury during the firſt fifteen years of this reign, it may well be imagined, they neglected not to redreſs the grievances of the whole nation. This was their principal buſineſs during the firſt year of their ſeſſion. Tho' the parliament was compoſed of ſeveral parties, who had not all the ſame views, they were, however, united with reſpect to the redreſs of grievances. Even thoſe members who were moſt devoted to the king, durſt not oppoſe the general ſentiment, ſome becauſe they thought the thing juſt, others, not to loſe their labour, and for fear of rendering themſelves too ſuſpected.

The public grievances redreſſed alſo.

Among thoſe who had moſt contributed to the public miſchiefs, the archbiſhop of Canterbury was conſidered as one

Principal authors of the grievances, Laud.

[l] Leighton a phyſician, father of Dr. Leighton, archbiſhop of Glaſgow, for writing a book called Sion's Plea againſt Prelacy, wherein he adviſed the parliament "to kill all the biſhops, by ripping them under the fifth rib," and railed againſt the queen, calling her a Canaanite and Idolatreſs, was thrown into a noiſome priſon, fined ten thouſand pounds, ſtood in the pillory twice, having one ear cut off, one noſtril ſlit, and one cheek fired, with thirty-ſix laſhes each time. Whitelock, p. 15.— Alexander Jennings of Buckinghamſhire, for refuſing to pay ſhip-money, was impriſoned in the Fleet, by warrant of the council, without any cauſe expreſſed, and the court of king's-bench had refuſed to diſcharge or bail him when brought thither, by Habeas Corpus.—Peter Smart, canon of Durham, having in 1628, printed two ſermons againſt innovations in the church of Durham, by Dr. Coſins, was by the high commiſſion of York deprived of his prebend and living, fined 500l. and impriſoned many years. Ruſhworth.

[m] Naſſon pretends, that the ſentence in the ſtar-chamber againſt Baſtwick was not only juſt, but that he deſerved even death, if he had not had to do with the moſt merciful of kings. Rapin.

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of the chief and moſt worthy of puniſhment, as being author of the innovations in the church, promoter of the war with Scotland, perſecutor of the preſbyterians, and head of the arminians. The earl of Strafford was likewiſe of this number, becauſe he had ſo entirely devoted himſelf to the king, that in his two great offices of preſident of the court of York, and lord-lieutenant of Ireland, he had no other view than to ſtretch the prerogative royal, and increaſe the king's revenues. His proud and haughty carriage had no leſs offended the public than his actions, whereby he ſtrove to eſtabliſh an arbitrary power. He was accuſed of adviſing the king to tranſport his Iriſh army into England, to ſubdue the oppoſers of his will. Though he was highly in the king's favour, he had nevertheleſs made himſelf many enemies at court and in the kingdom, who earneſtly ſought occaſions to ruin him. The lord-keeper Finch was looked upon alſo as a pernicious counſellor, wholly devoted to the king, and ready for any attempt to eſtabliſh a deſpotic government. It was not doubted, but he was the man that had corrupted the judges in the buſineſs of ſhip-money. Sir Francis Windebank, ſecretary of ſtate, was reckoned the patron of the catholics, and it was by his means that the condemned prieſts and jeſuits eſcaped one way or other the ſentence paſſed upon them. In ſhort, the judges of the realm had rendered themſelves extremely odious to the people, as well by the judgment they had given in Mr. Hampden's affair, as by numberleſs other acts of injuſtice on private perſons. Theſe were the principal authors of the grievances, whom the commons intended to bring to exemplary puniſhment.

Ch. I. 1640. Strafford. Finch. Windebank Clarendon, t. i. p. 142. The judges.

The earl of Strafford was the firſt on whom the ſtorm fell. The 11th of November, eight days after the opening of the parliament, Mr. Pym having deſired, and obtained his deſire of the commons, that the doors of the houſe might be locked, and the outward room cleared of ſtrangers, informed them, that there were ſeveral complaints againſt the earl of Strafford, which afforded good ground to accuſe him of high-treaſon. Upon this information, the houſe immediately appointed a committee of ſeven [n], who withdrawing into another room, and conferring together, reported preſently after, that it was their opinion, there was juſt cauſe to impeach the earl of Strafford. Then Mr. Pym was ordered to go to the houſe of lords, and accuſe the earl of high-treaſon, in the name of

The earl of Strafford is accuſed of high-treaſon. Ruſhworth, iv. p. 42. Nalſon, t. i. p. 520. Clarendon, t. i. p. 138, 139.

[n] Mr. Pym, Mr. Strode, Mr. St. John, the lord Digby, Sir John Clotworthy, Sir Walter Earl, and Mr. Hampden. Ruſhworth, tom. iv. p. 43.

all

Charles I. 1640. all the commons. He had orders likewiſe to tell the lords, that in due time the commons would produce the articles of accuſation, and in the mean time, deſired the accuſed might be put into ſafe cuſtody. The earl of Strafford was that very day come from the army, and had taken his place in the houſe of lords. Before his departure from the army, he had received notice that there was a deſign to attack him. But whether through pride, or a belief that having done nothing without the king's warrant, he was ſecure, he ſlighted the advice, and would be preſent in the parliament. Indeed, ſome months before, the king's protection was more than ſufficient to ſcreen him from all danger. But the face of affairs was altered, and it is ſtrange a perſon of ſo great a genius, and ſo good ſenſe, could imagine the king was able to protect him in ſuch a juncture.* However this be, upon the commons impeachment, the lords committed him to the cuſtody of the black-rod, and ſome days after ſent him to the Tower. As this affair was prolonged till May the next year, I ſhall not ſpeak of it, till I come to the time of this famous trial, and ſhall continue to relate, without interruption, what concerns the redreſs of grievances, and the puniſhment or accuſation of their authors.

He is ſent to the Tower. Ruſhworth, iv. p. 60. Clarendon, t. i. p. 140.

Secretary Windebank was attacked next. Several petitions were preſented againſt him to the houſe, whereof he was member, complaining, that as ſecretary of ſtate, he had iſſued out warrants under his own hand, for the diſcharge of proſecutions againſt prieſts, and for their releaſe out of priſon. All theſe petitions tended to ſhow, that he loſt no opportunity to countenance the papiſts, and gloried in being reckoned their patron. I do not know whether he profeſſed the Roman catholic religion. Be this as it will, he was ſummoned ſeveral times to come to the houſe, and anſwer what was laid to his charge. But he believed it more proper to avoid the impending ſtorm, and withdraw into France. When he

Windebank is cited. Ruſhworth, iv. p. 44, 52, 68, 69, 70, 71, 83. Nalſon, t. i. p. 521, 571, &c. Clarendon.

He flies into France. Ruſhworth, iv. p. 91. January 11.

* Whitelock ſays, it was conſidered at York, whether the earl ſhould repair to the houſe, or continue in the north with the army. The earl humbly deſired his majeſty to excuſe his going to parliament, alledging, "He ſhould not "be able to do him any ſervice there, "but rather be a means to hinder his "affairs; and beſides, in caſe they "ſhould fall upon him, he being at a "diſtance, might the better retire from "danger, &c." The king, notwithſtanding all he could ſay, inſiſted upon the earl's coming to parliament, and told him, "As he was king of Eng-"land, he was able to ſecure him from "any danger, and the parliament ſhould "not touch one hair of his head." So in obedience to the king's commands, the earl came to London, but not, as Rapin ſays, the ſame day he was impeached, but a few days before. Whitelock, p. 37. The lord Clarendon ſays, it was believed he came to the houſe that day, to accuſe the lord Say, and ſome others, of having induced the Scots to invade the kingdom, vol. i. p. 139. Heylin's Obſerv. p. 211.

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was out of danger, he ſent the earl of Pembroke, lord-chamberlain, a letter, lamenting his misfortune, and intimating, that if he was guilty, it was only for having ſerved the king faithfully, and obeyed his orders p. Charles I. 1640.

The convocation, their canons, oath, and the tax they had laid upon the clergy to aid the king in his war with Scotland, were next taken into conſideration by the houſe. This affair was debated with great warmth: ſeveral members made on the occaſion ſpeeches tending to ſhow the king could not, by his authority, turn the convocation into a ſynod. They alledged for reaſon, that the clergy who compoſed it could act but as members of the convocation, becauſe to act as members of a ſynod, they ought to have been elected by the people, and it did not belong to the king to make this election as he pleaſed. That the convocation or ſynod had not power to make canons for the whole nation, without the conſent of the people themſelves, nor conſequently without the interyention of the parliament. That moſt of the canons were unjuſt in themſelves, and tended to increaſe the clergy's power, to the prejudice of the king's authority and the people's liberties. That by theſe canons the convocation aſſumed a power above the parliament. That the oath they had impoſed was ſtrange, doubtful, contrary to the privileges of the parliament and the rights of the people, and obliged men to ſwear as neceſſary, things that were alterable without any danger to religion: for inſtance, ſuppoſing it true that biſhops are jure divino, which the church of England never acknowledged q, it

Debates upon the convocation. Ruſhworth, tom. iv. p. 58, 62, 89, 100. Nalſon, tom. i. p. 533, etc. 666, etc. Diurn. Occur. Clarendon, tom. i. p. 162.

p Sir Francis Windebank had been Laud's pupil, and was by his recommendation, made ſecretary on June 15, 1632. Laud's Diar. In his letter to the earl of Pembroke are theſe words, "What I am guilty of none knows ſo "well as his majeſty, whom I have "ſerved faithfully, diligently, painfully, and with as true and loyal a "heart, according to my poor abilities, "as any other whatſoever." Nalſon, tom. i. p. 652.

q The words of Mr. Nathaniel Fiennes's ſpeech are, "Whether biſhops be "jure divino, we know is a diſpute "among the papiſts, and never did any "proteſtant hold it but of late years: "but that archbiſhops, deans, archdeacons, etc. ſhould be jure divino, I do "not know that ever any Chriſtian held "it before, and yet he that takes this "oath muſt ſwear it." Ruſhworth, tom. iv. p. 109. — Sir Edward Deering began his ſpeech about the canons to this effect: "The pope (ſay they) "has a triple crown, anſwerable thereto he pretends to a threefold law: "the firſt is jus divinum, and this he "would have you think to be the coronet next his head, that which ſecures his power. The ſecond is jus "humanum, Conſtantine's donation, "the gift of indulgent princes, temporal power: this is his middle "crown. Out of theſe two the pope "frames his third crown himſelf, "and ſets it upon the top; that is jus "canonicum, the canon law, of more "uſe to his popeſhip than both the "other. — Juſt ſo our prelates, from "the pretending divinity of their epiſcopacy, and from the temporal "power granted by our princes, would "now obtrude a new canon law upon "us."

Charles I. 1640.

it could not be affirmed that archbishops, deans, and archdeacons are of divine or apostolical institution; and yet people were made to swear never to consent to the altering of the government of the church by archbishops, bishops, deans, archdeacons, etc. That by this oath, the representatives of the nation would be so tied up, that though the parliament should have power to alter the government of the church, they could not even debate upon that subject, by reason of their oath. Upon these and many other reasons, which I omit, to avoid tediousness, the commons voted unanimously, 1. That the clergy of England convened in a convocation or synod, or otherwise, have no power to make any constitutions, canons, or acts whatsoever, in matters of doctrine or discipline, or otherwise, to bind the clergy or laity of the land without common consent in parliament. 2. That the canons treated upon by the late convocation, do contain matters contrary to the king's prerogative, to the fundamental laws and statutes of the realm, to the rights of parliament, to the property and liberty of the subject, tending to sedition, and of dangerous consequence [r].

Votes concerning the convocation Rushworth, tom. iv. p. 112. Nalson, tom. i. p. 678. Diurn, Occ.

Immediately after these resolutions, the house appointed a committee of thirty-six; to examine who were the chief promoters of these canons, and how they had been executed: to consider how far, in particular, the archbishop of Canterbury had been concerned in the great design of subverting the laws of the land and religion; and to draw up a charge against him and such others as should appear guilty of the same crime. The Scotish commissioners, who were sent to London to continue the treaty begun at Rippon, were, as I said, in good understanding with the leading members of the commons, and in all appearance had been informed of the design to prosecute the archbishop: and therefore, to make the blow fall the heavier on this prelate, by joining their complaints

Rushworth, tom. iv. p. 113. Nalson, tom. i. p. 680.

"us." He concludes with saying, "No canons can bind the laity, where "we have no voice of our own, nor "choice of the clergy persons who do "found them, nor assent in the suscep"tion of them after they are framed; "quod omnes tangit, ab omnibus trac"tari debet." Rushworth, tom. iv. p. 104. — Mr. Bagshaw, in his speech, affirmed that the clergy who had held the late synod, were fallen into a præmunire upon that account. Diurn. Oc. p. 3.

[r] It was voted likewise, nemine contradicente, that the several grants of the benevolence or contribution granted to his most excellent majesty by the clergy in their late convocation, are contrary to the laws, and ought not to bind the clergy. Rushworth, tom. iv. p. 112. — Some pretend these votes were very unjust; if so, it is strange no member should oppose them. The lord Clarendon freely owns that the canons were unwarrantable, even in a more favourable season, tom. iv. p. 130.

with

with thoſe of the commons, they preſented the next day to the lords a charge againſt him to this effect: Charles I. 1640.

"That he was the cauſe of all the troubles in Scotland, "and the author and urger of introducing into Scotland the "Book of Canons and the Liturgy, as appeared by fourteen "letters which they offered to produce: that the Scotch "prelates having ſent to him a Book of Canons, written "upon the one ſide only, with the other ſide blank, he had "made ſeveral interlinings, and filled up the blank pages "with ſeveral directions; which changes and ſupplements "were taken from the romiſh rituals, that varied from the "book of England: that they were contrary to the king's "intentions, who in his large declarations had profeſſed, "that all the variations in the Scotch ſervice from that of "England, ſhould be only in ſuch things as the Scotiſh hu-"mours would better comply with. But the archbiſhop "had no regard to this: on the contrary, the Scotiſh pre-"lates having petitioned the ſuppreſſion of ſome of the Eng-"liſh ceremonies, the croſs in baptiſm, the ring in marri-"age, and ſome other things, he was ſo far from conſent-"ing, that he had added ſeveral others; that in the order "of the adminiſtration of the communion in the book of "England, he had made ſeveral alterations, which plainly "ſhewed his deſign of introducing popery into Scotland: "that he had kindled war between the king and the Scots; "and been one of the chief cauſes of breaking the laſt pa-"cification and renewing the war: that he had inſerted in-"to the divine ſervice a prayer againſt their nation, by name "of traiterous ſubjects, having caſt off all obedience to their "anointed ſovereign, and coming in a rebellious manner to "invade England; that ſhame might cover their faces as ene-"mies to God and the king."

The articles of accuſation againſt him. Ruſhworth, tom. iv. p. 113. Nalſon, tom. i. p. 681.

I have very much abridged theſe articles, which are very particular; but what is here ſaid ſuffices to ſhow their deſign.

On the morrow, ſir Harbottle Grimſton made in the houſe a ſpeech againſt the archbiſhop, pretending to ſhow, that all thoſe who were concerned in the evils of the ſtate, the earl of Strafford, the biſhops of Cheſter, Oxford[a], Ely, Bath and Wells, had been raiſed by his means, and that there was not a ſingle grievance but what flowed from him. Where-

Grimſton's ſpeech againſt Laud. Ruſhworth, tom. iv. p. 122.

[a] John Bancroft biſhop of Oxford was poſſeſſed with ſuch fear of this parliament, that he died about this time with little or no ſickneſs. The other biſhops here ſpoken of, were John Bridgman of Cheſter, Matthew Wren of Ely, and William Pierce of Bath and Wells.

upon

Charles I. 1640.

upon the commons impeached, by Mr. Denzil Holles, the archbiſhop of high treaſon, and the lords committed him to the cuſtody of the gentleman-uſher: ſome time after he was ſent to the tower.

Laud is accuſed, and ſent to the Tower. Id. p. 123. Nalſon, tom. i. p. 691, 692. Clarendon. tom. i. p. 141.

Then the commons ſent a meſſage to the lords, to let them know they had received informations of a very high nature againſt Matthew Wren biſhop of Ely; and having heard that he intended to make an eſcape out of the kingdom, they deſired them to think of ſome way to prevent it. Whereupon the lords ordered the biſhop to give ten thouſand pounds bail for his forth-coming to which he conſented.

The lord Finch voted a traitor, and flies into Holland, Dec. 22. Ruſhworth, tom. iv. p. 124.

Of thoſe whom the commons conſidered as the chief authors of the public grievances, there remained only the lord keeper Finch, and the judges. The firſt was declared a traitor by a vote of the houſe of commons, notwithſtanding the eloquent ſpeech he was permitted to make at the bar of the houſe in his vindication. But before he was accuſed in form he fled into Holland. However he was impeached afterwards, though abſent. Preſently after his flight, the king made ſir Edward Littleton lord keeper.

Littleton made lord keeper.

Three judges are obliged to give bail. Ruſhworth, tom. iv. p. 130. Nalſon, tom. i. p. 699. Diurn. Occ.

In fine, the commons ſent word to the lords, that the had received informations againſt three judges, ſir John Bramſton lord chief juſtice of the king's bench, ſir Humphrey Davenport lord chief baron, and juſtice Crawley [t]; and deſired the houſe, that they might put in good ſecurity for their appearance. Whereupon the lords obliged theſe three judges to give each ten thouſand pounds bail. The other judges were alſo accuſed afterwards.

Thus they who were conſidered by the commons as the principal authors of the public grievances, were diſabled not only to continue to adviſe the king, but alſo to eſcape puniſhment, except the lord Finch and ſir Francis Windebank, who ſaved their perſons by leaving their eſtates in England. I ſhall not ſtay to ſpeak of many others of an inferior rank, who were variouſly puniſhed for exerciſing monopolies, or inventing means to raiſe the king money, for introducing or countenancing innovations in religion, or laſtly, for prevaricating in the exerciſe of their offices.

Method of the commons to redreſs grievances.

Whilſt the commons were employed in ſecuring thoſe they intended to puniſh, they alſo prepared whatever was neceſſary to free the nation from all their grievances. The ſame method was uſed to this end, as had been employed againſt the perſons: that is, petitions from all quarters were

[t] As alſo againſt juſtice Berkley, Ruſhworth, tom. iv. p. 130.

preſented

preſented to the houſe upon grievances. Theſe petitions being read, ſeveral ſpeeches were made in the houſe, to ſhow how prejudicial theſe grievances were to the public; and the principles which gave them birth were particularly inſiſted on, as being directly contrary to the conſtitution, and tending to the ſubverſion of the government. Whereupon it was voted, that ſuch a thing was illegal, and ordered that a bill ſhould be prepared to aboliſh it. This was the ſubject of divers acts which were preſented to the king for the royal aſſent, from the 3d of November 1640, to the 10th of Auguſt 1641. The principal were theſe; Charles I. 1640.

An Act for a Triennial Parliament: that is, to ordain that a parliament ſhould be held at leaſt every three years though the king ſhould neglect to call it, in order to prevent the inconveniencies ariſing from a too long intermiſſion of parliaments. Acts paſſed in 1640, and 1641, for redreſs of grievances. Stat. Book. Clarendon, tom. i. p. 221.

An Act to aboliſh the Star-chamber and High-commiſſion.

An Act to reduce the Foreſts to the ſame ſtate as under Edward I. Coke.

An Act to repeal the Statutes made in the Reign of Edward II. concerning Knighthood.

An Act to permit any Subject to make Salt-petre and Gunpowder throughout the kingdom.

An Act to aboliſh Ship-money [u].

The neceſſity of theſe acts was ſo manifeſt, that the king muſt either have conſented to them, or plainly declared he would have governed with an abſolute power. But he was not ſo unwiſe as to oppoſe them in his preſent circumſtances. An illuſtrious hiſtorian makes no ſcruple to ſay, that "theſe "acts will be acknowledged by an incorrupted poſterity, to "be everlaſting monuments of the king's fatherly affection "to his people; and ſuch an obligation of repoſe and truſt "from his majeſty in the hearts of his ſubjects, that no ex-"preſſions of duty and confidence from them could have been "more than a ſufficient return on their parts." The king himſelf afterwards would frequently have had theſe conceſſions to be conſidered as acts of pure grace, for which the public ought to have been thankful; but, unhappily for him, neither parliament nor people believed them to be the effect of his juſtice or affection to them, but rather of the neceſſity he was under of giving his aſſent. Clarendon, tom. i. p. 225.

[u] At the ſame time tunnage and poundage, and other ſums of money upon merchandizes imported and exported, were granted to the king. See Statute Book.

Charles I. 1640.

Beſides theſe acts, the commons paſſed many general votes upon ſeveral other articles. Indeed theſe votes are not conſidered as laws, neither do the judges proceed by them in their determinations: nevertheleſs, ſuch is their effect, that few perſons are ſo hardy as to act directly contrary to theſe deciſions of the commons, ſince it is in ſome meaſure to oppoſe the ſentiment of the people whom they repreſent. Beſides, an action directly contrary to a vote of the houſe, is liable to be queſtioned when leaſt expected, and draws upon the actor the indignation of the houſe, who had but too many opportunities to make him feel the effects of their reſentment.

Proceedings of the commons by votes.

The deſign of the commons was not only to ſtop the evil by means of theſe votes, but alſo to terrify all thoſe who had been concerned in the grievances, in order to take from the king all hopes of ſupport in his people. For after the houſe had voted, for inſtance, that ſuch a monopoly was illegal, if any perſon concerned in that monopoly behaved in a manner diſagreeable to the commons, or appeared too much attached to the king, an accuſation againſt him was the certain conſequence of ſuch a behaviour. By that means, the king's moſt devoted friends choſe rather to relinquiſh his intereſt than be liable to a charge, from which they plainly ſaw it was not in the king's power to ſecure them. This had very clearly appeared by the great examples of the earl of Strafford, archbiſhop Laud, lord keeper Finch, and ſecretary Windebank, after whom no private perſon could hope for protection from the king. Thus the commons rendered themſelves ſo formidable at the very beginning of the parliament, that the king was ſuddenly deſerted by all, without having other refuge than to conſent to whatever was propoſed by the parliament. He hoped, however, that when all the grievances were redreſſed, he ſhould be, if not in the ſame ſtate he had been for fifteen years, at leaſt in the natural ſtate of a king of England, according to the laws and the conſtitution of the government. But it will hereafter appear how much he was miſtaken in his conjecture. His former adminiſtration had made too deep impreſſions in the minds of his ſubjects, for the majority ever to believe he would for the future be contented with the power allowed him by the law. This diſtruſt was the immediate cauſe of the war between the king and the parliament. But it is not yet time to deſcend to the particulars.

The commons render themſelves formidable.

The king is forced to conſent to every thing.

Another method to declare

The commons uſed alſo another expedient to make themſelves feared. As there were many people who, in conformity

mity to the intentions of the court, had been concerned in the monopolies, or countenanced the innovations, or been ſubſervient to introduce and ſupport the occaſion of any grievance, the commons, upon the petitions preſented to them againſt theſe men, ſent for them to London, and examining them by a committee, declared them delinquents: as much as to ſay, that according to the opinion of the houſe, they were guilty of faults or offences, for which they deſerved to be proſecuted and puniſhed according to law. The word Delinquent was very much in uſe during this parliament: thus, a great number of thoſe who had been moſt noted for their adherence to the maxims of the court, or the principles of the archbiſhop, were voted delinquents, and thereby kept in awe by the commons, who, according as they behaved well or ill to them, could proſecute or leave them unmoleſted. But the number of thoſe who were declared delinquents was nothing in compariſon of ſuch as had reaſon to fear the like declaration upon the leaſt petition againſt them. From hence there followed an unanimous approbation of whatever was done by the houſe; ſome conſenting becauſe they thought the things juſt, and others out of fear of chaſtiſement. This is what rendered the redreſs of grievances very eaſy to the commons, and would have made it impracticable for the king to oppoſe it, though he ſhould have had ſuch a thought. The king reaped at leaſt this advantage from his conſent to the redreſs of grievances, that he gave occaſion to many to believe he ſincerely concurred in that work. But his enemies drew from thence a very different conſequence: they ſaid, as the parliament's meaſures were ſo well laid, that it would have been in vain for the king to oppoſe them, he was not to be thanked for a conſent to which neceſſity forced him, whilſt it was in his power to hinder the redreſs of grievances, he had always refuſed to hearken to the inſtant deſires of his parliaments.

Charles I. 1640.

people delinquents. Ruſhworth, tom. iv. p. 58, etc. Clarendon, tom. i. p. 141, 144. Coke.

I am now to warn my readers, that we are come to a time wherein they muſt be very much upon the guard with reſpect to the partiality of the hiſtorians, each of whom does his utmoſt to prejudice his readers in favour, either of the king or the parliament. This partiality conſiſts not ſo much in diſguiſing the facts (wherein both parties are agreed), as in the principles they eſtabliſh. Thoſe for the king, exalt as high as poſſible the prerogative-royal; nay ſome ſtretch it even to a ſort of deſpotic power, as we have ſeen inſtances in the writings and ſermons of Sibthorp, Montague, Manwaring, mentioned in this part of the reign. According to this principle,

Warning concerning the partiality of hiſtorians.

Charles I. 1640. they think and maintain that the parliament's aim was not to reſtore the government to its natural ſtate, as was pretended, but rather to overturn the conſtitution both of church and ſtate. That therefore the objects were ſo much magnified, by aggravating ſome acts of authority done by the king as tending to ſubvert the government, though they might have been juſtified by the prerogative-royal, if any but the commons had been judges. But though they manifeſtly declared themſelves parties againſt the king, they however made themſelves judges, voting ſuch and ſuch actions of the king to be contrary to the laws. Nothing ſhows more plainly, according to theſe writers, the parliament's ſecret deſign to overthrow the government, nor can a ſtronger proof of it be deſired than the experience of what afterwards happened, when the government of the ſtate and church were actually changed.

The favourers of the parliament ſay, that without examining the extent of the prerogative-royal, it may at leaſt be affirmed, that it cannot be contrary to the laws: that if the king has his prerogatives, the parliament have their privileges, and the people their liberties, which the prerogative cannot invade without deſtroying the conſtitution of the government, which conſiſt in a happy mixture of the rights of king and people. That before this parliament, the king had manifeſtly ſtretched his prerogative to the prejudice of the nation's rights, which the moſt attached to his intereſts did not dare to deny. That this being the caſe, nothing was more juſt, nothing more neceſſary, than to reſtore the government to its natural ſtate. That it is therefore preposterous to have recourſe to a ſecret deſign of ſubverting the church and ſtate, ſince the neceſſity of redreſſing the grievances is undeniably evident: that ſuppoſing it true that the commons uſed ſundry dry artifices to render themſelves formidable, and the more eaſily accompliſh their deſign, namely, the redreſs of grievances, theſe artifices were not blameable, conſidering how impracticable the former parliaments had found it to execute the ſame deſign.

Proceedings in parliament upon ſhip-money.

I am perſuaded, that moſt of the readers for whom I write this hiſtory, ſuch I mean as are not Engliſhmen, would not require of me a particular account of all that paſſed in the houſe of commons, concerning the redreſs of grievances. It would be too tedious a work, which, after all, would inform them of nothing more material than what has hitherto been ſaid: nevertheleſs, for the ſatisfaction of thoſe who are unacquainted with the manner of parliamentary proceedings, I ſhall give here a brief relation of what was done with regard to ſhip-money,

money, the grievance moſt complained of, and by that will be ſeen the method taken with reſpect to the reſt. Charles I. 1640.

During the firſt month of this ſeſſion, ſcarce a day paſſed, but the houſe received petitions from divers counties, concerning grievances, amongſt which, that of ſhip-money was never forgot. At laſt, on the 7th of December, the day appointed to debate upon that affair, the lord Falkland [w], afterwards ſecretary of ſtate, made the following ſpeech to the houſe. Ruſhworth, iv. p. 21, 78, 85, &c. Diurn. Occur.

Mr. Speaker,

"I Rejoice very much to ſee this day; and the want hath not lain in my affection but my lungs, if to all that hath been paſt, I have not been as loud with my voice as any man in the houſe; yet truly my opinion is, we have yet done nothing, if we do no more; I ſhall add what I humbly conceive ought to be added, as ſoon as I have ſaid ſomething with reference to him that ſays it. Lord Falkland's ſpeech December 7. Ruſhworth, iv. p. 86. Nalſon, i. p. 654.

"I will firſt deſire the forgiveneſs of the houſe, if ought I ſay ſeem to intrench upon another's profeſſion, and enter upon the work of another robe. Since I have been intruſted by the report of a learned committee, and confirmed by the uncontradicted rule of the houſe; ſince I ſhall nothing of this kind, but in order to ſomething further, and, (which moves me moſt to venture my opinion, and to expect your pardon) ſince I am confident, that hiſtory alone is ſufficient to ſhew this judgment contrary to our laws, and logic alone ſufficient to prove it deſtructive to our property, which every free and noble perſon values more than his profeſſion. I will not profeſs I know myſelf, but all thoſe who know me, know that my natural diſpoſition is to decline from ſeverity, much more from cruelty. That I have no particular provocation from their perſons, and have particular obligations to their calling, againſt whom I am to ſpeak; and though I have not ſo much knowledge in law, yet far more than I have uſe for; ſo I hope it will be believed, that only public intereſt hath extorted this from me, and that which I would not ſay, if I conceived it not ſo true, and ſo neceſſary, that no undigeſted meat can lie heavier upon the ſtomach, than this unſaid would have lain upon my conſcience. Mr. ſpeaker,

[w] There are lords who are not peers, as all the ſons of a duke and marquis, and the eldeſt ſon of an earl, who may be choſen members of parliament, as may alſo Iriſh and Scotch peers. The viſcount Falkland was a Scotch peer, and member for Newport in the Iſle of Wight.

Charles I. 1640.

" the conſtitution of the commonwealth hath eſtabliſhed, or
" rather endeavoured to eſtabliſh to us the ſecurity of our
" goods, and the ſecurity of thoſe laws which would ſecure
" us and our goods, by appointing for us judges ſo ſettled,
" ſo ſworn, that there can be no oppreſſion, but they of ne-
" ceſſity muſt be acceſſary; ſince if they neither deny, nor
" delay us juſtice. which neither for the great nor little ſeal
" they ought to do, the greateſt perſons in this kingdom
" cannot continue the leaſt violence upon the meaneſt; but
" this ſecurity, Mr. ſpeaker, hath been almoſt our ruin, for
" it hath been turned, or rather turned itſelf into a battery
" againſt us: and thoſe perſons who ſhould have been as
" dogs to defend the ſheep, have been as wolves to worry
" them. Theſe judges, Mr. ſpeaker, to inſtance not them
" only, but their greateſt crime, have delivered an opinion
" and judgment in an extrajudicial manner, that is, ſuch as
" came not within their cognizance, they being judges, and
" neither philoſophers nor politicians; in which, when that
" which they would have ſo abſolute and evident takes place,
" the law of the land ceaſes, and that of general reaſon and
" equity, by which particular laws at firſt were framed, re-
" turns to his throne and government, where " ſalus populi"
" becomes not only ſupreme, but " ſola lex," at which, and
" to which end, whatſoever ſhould diſpenſe with the king
" to make uſe of any money, diſpenſes with us, to make uſe
" of his, and one another's. In this judgment they contra-
" dicted both many and learned acts, and declarations of
" parliament; and thoſe in this very caſe, in this very reign,
" ſo that for them they needed to have conſulted with no
" other record, but with their memories.

" 2. They have contradicted apparent evidences, by ſup-
" poſing mighty and imminent dangers in the moſt ſerene,
" quiet, and halcion days, that could poſſibly be imagined, a
" few contemptible pyrates being our moſt formidable ene-
" mies, and there being neither prince nor ſtate, with whom
" we had not either alliance, or amity, or both.

" 3. They contradict the writ itſelf, by ſuppoſing that
" ſupoſed dangers to be ſo ſudden, that it would not ſtay for
" a parliament, which required but forty days ſtay; and the
" writ being in no ſuch haſte, but being content to ſtay forty
" days ſeven times over.

" Mr. ſpeaker, it ſeemed generally ſtrange, that they ſaw
" not the law, which all men elſe ſaw, but themſelves; yet
" though this begot the more general wonder, three other
" particulars begot the more general indignation. The firſt

" of

" of all the reaſons for this judgment was ſuch, that there need- Charles I.
" ed not any from the adverſe party to help them to convert 1640.
" th ſe few, who before had not the leaſt ſuſpicion of the
" legality of that moſt illegal writ, there being fewer that
" approved of the judgment, than there were that judged it
" legal, for I am confident they did not that themſelves.

" Secondly, when they had allowed to the king the ſole
" power in neceſſity, the ſole judgment of neceſſity, and
" by that enabled him to take both from us, what he would,
" when he would, and how he would, they yet continued
" to perſwade us, that they had left us our liberties and pro-
" perties.

" The third and laſt is, and which I confeſs moved moſt,
" that by the transformation of us from the ſtate of free ſub-
" jects (a good phraſe, Mr. ſpeaker, under Dr. Heylin's fa-
" vour) unto that of villains, they diſable us by legal and
" voluntary ſupplies to expreſs our affections to his majeſty,
" and by that to cheriſh his to us, that is, by parliaments.
" Mr. ſpeaker, the cauſe of all the miſeries we have ſuffered,
" and the cauſe of all our jealouſies we have had, that we
" ſhould yet ſuffer, is, that a moſt excellent prince hath been
" moſt infinitely abuſed by his judges, telling him, that by
" policy he might do what he pleaſed; with the firſt of theſe
" we are now to deal, which may be a leading to the reſt.
" And ſince in providing of theſe laws, upon which theſe
" men have trampled, our anceſtors have ſhewn their utmoſt
" care and wiſdom for our undoubted ſecurity, words having
" done nothing, and yet they have done all that words can
" do, we muſt now be forced to think of aboliſhing of our
" grievances, and of taking away this judgment, and theſe
" judges together, and of regulating their ſucceſſors by their
" exemplary puniſhment.

" I will not ſpeak much; I will only ſay we have ac-
" cuſed a great perſon of high-treaſon, for intending to
" ſubvert our fundamental laws, and to introduce arbi-
" trary government; which we ſuppoſe he meant to do,
" we are ſure theſe have done it, there being no law more
" fundamental than that they have already ſubverted, and
" no government more abſolute, than that they have really
" introduced.

" Mr. ſpeaker, not only the ſevere puniſhment, but the
" ſudden removal of theſe men, will have a ſudden effect in
" one very conſiderable conſideration, we only accuſe, and
" the houſe of lords condemn; in which condemnation they
" uſually receive advice (though not direction) from the

Charles I. 1640. "judges; and I leave it to every man to imagine, how pre-
"judicial to us, that is, to the commonwealth, and how
"partial to their fellow malefactors, the advice of ſuch judges
"is like to be. How undoubtedly for their own ſakes, they,
"will think it may conduce to their power, that every ac-
"tion be judged to be a leſs fault, and every perſon to
"be leſs faulty, than in juſtice they ought to do: amongſt
"theſe, Mr. ſpeaker, there is one I muſt not loſe in the
"croud, whom I doubt not but we ſhall find, when we ex-
"amine the reſt of them, with what hopes they have been
"tempted, by what fears they have been aſſayed, and by
"what, and by whoſe importunity they have been purſued,
"before they conſented to what they did; I doubt not, I ſay,
"but we ſhall find him to have been a moſt admirable ſolli-
"citor, but a moſt abominable judge; he it is, who not
"only gave away with his breath, what our anceſtors had
"purchaſed for us by ſo large an expence of their time, their
"care, their treaſure, and their blood; and employed his
"induſtry, as great as his injuſtice, to perſwade others to
"join with him in that deed of gift: but ſtrove to root up
"thoſe liberties which they had cut down, and to make our
"grievances immortal, and our ſlavery irreparable, leaſt any
"part of our poſterity might want occaſion to curſe him;
"he declared that power to be ſo inherent to the crown, as
"that it was not in the power even of parliaments to divide
"them.

"I have heard, Mr. ſpeaker, and I think here, that com-
"mon fame is ground enough for this houſe to accuſe up-
"on; and then undoubtedly there is enough to be accuſed
"upon in this houſe; he hath reported this ſo generally,
"that I expect not that you ſhall bid me name him whom
"you all know, nor do I look to tell you news, when I
"tell you it is my lord keeper; but this I think fit to put
"you in mind of, that his place admits him to his majeſty,
"and truſts him with his majeſty's conſcience; and how
"pernicious every moment muſt be, which gives him means
"to infuſe ſuch unjuſt opinions of this houſe, as are expreſt
"in a libel, rather than a declaration, of which many be-
"lieve him to be the principal ſecretary, and the other puts
"the moſt vaſt and unlimited power of the chancery into
"his hands, the ſafeſt of which will be dangerous: for
"my part, I think no man ſecure, that he ſhall think him-
"ſelf worth any thing when he riſes, whilſt all our eſtates
"are in his breaſt, who hath ſacrificed his country to his
"ambition, whilſt he who hath proſtrated his own con-
ſcience,

" ſcience, hath the keeping of the king's, and he who hath undone us already by wholeſale, hath a power left in him by retale." Charles I. 1640.

" Mr. ſpeaker, in the beginning of the parliament he told " us, and I am confident every man here believes it before he " told it, and never the more for his telling, though a ſorry " witneſs is a good teſtimony againſt himſelf, that his majeſty " never required any thing from any of his miniſters but " juſtice and integrity. Againſt which, if any of them " have tranſgreſſed, upon their heads, and that deſervedly, " it all ought to fall; it was fully and truly ſaid, but he hath " in this ſaying pronounced his own condemnation; we ſhall " be more partial to him than he is to himſelf, if we be ſlow " to purſue it.

" It is therefore my juſt and humble motion, that we may " chuſe a ſelect committee to draw up his and their charge, " and to examine their carriage in this particular, to make " uſe of it in the charge, and if he ſhall be found guilty of " tampering with judges againſt the public ſecurity, who " thought tampering with witneſſes in a private cauſe " worthy of ſo great a fine *, if he ſhould be found to have " gone before the reſt to this judgment, and to have gone " beyond the reſt in this judgment, that in the puniſhment of " it, the juſtice of this houſe may not deny him the due " honour both to precede and exceed the reſt."

After this ſpeech, the affair of ſhip-money having been debated, it was reſolved upon the queſtion " nemine contradicente,"

1. That the charge impoſed upon the ſubjects for the providing and furniſhing of ſhips, and the aſſeſſments for raiſing of money for that purpoſe, commonly called ſhip-money, are againſt the laws of the realm, the ſubjects right of property, and contrary to former reſolutions in parliament, and to the petition of right. Ship-money voted illegal. Ruſhworth, iv. p. 88. Nalſon, t. i. p. 660.

2. That the extrajudicial opinions of the judges publiſhed in the ſtar-chamber, and enrolled in the courts of Weſtminſter in theſe words,——in the whole, and in every part of them, are againſt the laws of the realm, the ſubjects right of property, and contrary to former reſolutions in parliament, and to the petition of right.

* This alludes to a fine of 10,000 l. which Williams biſhop of Lincoln was condemned to pay for tampering with a witneſs. See above p. 25. Note l. Rapin.

Charles I. 1640.

3. That the writ following——and the other writs commonly called the ſhip-writs, are againſt the laws of the realm, the right of property, and the liberty of the ſubjects, and contrary to former reſolutions in parliament, and to the petition of right.

Committee to examine the judges. Ruſhworth, iv. p. 88.

After theſe reſolutions, the houſe appointed a committee of ſixteen, at the head of whom was the lord Falkland, to go forthwith to the ſeveral judges, to know in what manner, and by whom they were ſollicited or threatned to give their extrajudicial opinion concerning ſhip money. It was ordered, that every one of the judges ſhould be examined at the ſame time by two of the committee, and be told what had been voted in the houſe concerning ſhip money, and that the committee ſhould aſk ſuch queſtions as they ſhould think material, to the execution of this order.

Precaution concerning the king's arbitrary acts. Ruſhworth, iv. p. 89.

Next day, the houſe ordered that the committee appointed to conſider of the property of the ſubjects in their goods, ſhould take into conſideration ſome way of ſeeing the entering upon record, the king's ſeveral commiſſions for loans and exciſe, and the reſolutions of former parliaments thereon, and the addition that was offered by the lords to the petition of right, with the reſolution of the houſe; and alſo the reſolutions of the queſtions propoſed in the houſe concerning ſhip-money, that they might remain fair to poſterity. It was alſo referred to the ſame committee to make a preparation of the vote paſſed about ſhip-money, to be ſent to the lords; to draw up a charge againſt the lord Finch, and the reſt of the judges that gave their opinion upon that tax; and likewiſe to take into conſideration their extrajudicial opinions and the judgments in the caſe of ſhip-money; to inquire of the ſeveral denials of Habeas Corpus, and prohibitions, their extrajudicial proceedings and opinions concerning eccleſiaſtical juriſdictions, and the court of admiralty; their denial of legal and ordinary proceedings in caſes of juſtice, and the binding of the whole kingdom by any one man's particular caſe. The ſame committee had power to ſend for parties, witneſſes, papers, records, or any thing elſe that might conduce to this buſineſs, and were to preſent the ſtate of the whole matter to the houſe.

An order to prepare a charge againſt the lord Finch.

The lords cancel the judgment in Mr. Hampden's caſe. Ruſhworth, iv. p. 194.

On the other hand, the 26th of February 1640-41, the lords ordered to be brought to their houſe the record in the exchequer of the judgment in Mr Hampden's caſe, and alſo the rolls in the ſtar-chamber and other courts, wherein the extrajudicial opinions of the judges were entered, and cauſed them

them to be annulled in their preſence. They ordered moreover, that a copy of what they had done ſhould be delivered to the judges to be publiſhed at the aſſizes in every county within their circuits, and that an act of parliament ſhould be prepared concerning this matter. Charles I. 1640.

All this produced at length charges againſt the lord-keeper, and each of the judges, with an act to aboliſh ſhip-money, to which the king gave the royal aſſent the 7th of Auguſt 1641. Bill againſt ſhip-money has the royal aſſent. Ruſhworth. iv. p. 130, 136. Nalſon, t. i. p. 699.

Much the ſame method was taken with regard to the other grievances, and in the end, there was not one, public or private but what was redreſſed within the nine firſt months of this ſeſſion.

I intend not to include in theſe grievances, thoſe concerning religion. Beſides that theſe were not generally acknowledged for grievances, this matter requires a more particular explication of what paſſed in the parliament. I ſhall therefore ſhow in the firſt place, the diſpoſition of the parliament, with reſpect to religion, and then relate what paſſed concerning that ſubject.

Since the beginning of the reign of James I. the biſhops had rendered themſelves much more powerful than before. The oppoſition of the preſbyterians, who never ceaſed to exclaim againſt the hierarchy, though they were not in condition to overthrow it, had greatly contributed to the increaſe of the epiſcopal power. Thei impetuous zeal cauſed the king to think it proper to humble them, leſt in the end they ſhould occaſion ſome diſturbance in the church, and the biſhops were charged with the care of executing this reſolution. The endeavours to reduce them to obedience, ſerved only to inflame the evil. Inſtead of trying to convince them by arguments, they were treated without moderation, and, if I may venture to ſay it, without charity. It was reſolved at any rate to compel them to conform to the church of England, not only in things conſidered as neceſſary, but alſo in others regarded by moſt people as indifferent. Moreover, divers ceremonies were added to the divine ſervice, which many perſons well affected to the church thought too near allied to popery. William Laud archbiſhop of Canterbury was the principal author of theſe ceremonies, as well before, as after, he was archbiſhop. His chief aim was to mortify the puritans. But in proceeding too warmly or rather too rigorouſly, he gave them room to accuſe him that his deſign was to favour popery, on pretence of forcing the puritans to conform to the worſhip of the church of England. No man Diſpoſition of the two houſes with regard to religion.

was

Charles I. 1640.

was ever more wedded to ceremonies, and the more he was reproached with it, the more he urged them as neceſſary. This chiefly gave occaſion to the puritans, and even to ſome church of England men to ſuſpect he had a deſign to introduce the Romiſh religion; this extreme attachment to ceremonies ſeeming to them as a means whereby he intended to compaſs his ends. As for arminianiſm, all agree that Laud was not only arminian, but alſo head of that party in England, from the time he was received into favour by king James I. through the duke of Buckingham's means. As the knowledge of what paſſed in the reign of James I. may be of great ſervice to the underſtanding the affairs of religion, which I have undertaken to explain, I ſhall briefly relate what I think moſt neceſſary, though mentioned before in king James's reign.

Progreſs of Laud's credit.

When the diſputes concerning grace aroſe in Holland, James I. eſpouſed the oppoſite party to Arminius, and uſed even threats to oblige the ſtates of Holland to condemn Vorſtius his ſucceſſor. After that, he ſent biſhops and divines to the ſynod of Dort, to ſtrengthen the contra-remonſtrants. Mean while the arminians in England were forced to lye dormant, becauſe the court was not their friend. Laud, then only a private doctor in the univerſity of Oxford, had yet no credit, though ſhortly after the duke of Buckingham procured him the biſhopric of St. David's in Wales. At the ſame time king James was vigorouſly puſhing his deſign to ſtretch the prerogative royal, to which he met with great oppoſition, chiefly from the puritans, who concerning grace were directly contrary to the arminians. For this reaſon the king and the duke thought fit to careſs and ſupport the arminians, in order to oppoſe them to the puritans, the king's grand aim being to weaken that party, which was always ready to oſtruct the execution of his deſigns. From that time the arminian party became powerful. The heads were Neil biſhop of Wincheſter, and Laud biſhop of St. David's, who found means to gain the king's confidence, and to have the diſpoſal of the church-preferments. They improved this advantage to ſtrengthen their party, by promoting to the benefices ſuch as were moſt averſe to the calviniſts, for ſo theſe began now to be called who embraced Calvin's opinion concerning grace, whether preſbyterians or church of England men. There were therefore three principal cauſes of the animoſity of the court and its friends againſt the preſbyterians.

The calviniſts and preſbyterians hated by the court.

There

The firſt was, that they rejected the eccleſiaſtical hierarchy. Charles I. 1640.

The ſecond, that they were entirely againſt the king's deſign to ſtretch his prerogative, knowing the more power he had, the more they ſhould be perſecuted.

The third, that they were all calviniſts as to the notions of grace. Though the king had not, perhaps, altered his opinion concerning that point, he deſerted however the calviniſts, becauſe they were in other reſpects, for the moſt part, preſbyterians and puritans. From that time the court and their agents counted among the puritans, thoſe who refuſed to conform to the church of England: all the calviniſts preſbyterians or others: all who oppoſed the king's deſigns with regard to the prerogative: and they were all, under the name of puritans, equally obnoxious to the hatred of the king and his miniſters. So, by this policy, many people who had no inclination for preſbyterianiſm, were made to become puritans. At leaſt, they were forced to join with the puritan party, to hinder the court on pretence of deſtroying puritaniſm, from eſtabliſhing by degrees an arbitrary power, which would have been fatal to the whole nation. For the king pretended, his will could be oppoſed but upon puritanical principles.

The preſbyterian-party is perſecuted

The reign of Charles I. was ſtill more violent in this reſpect, than that of James, as has been ſhown in the firſt part. Laud being made biſhop of London, and afterwards, archbiſhop of Canterbury, and one of the king's prime miniſters, uſed all his induſtry and credit to humble the puritan-party, that is, not only the preſbyterians, but alſo the calviniſts, and ſuch who would not patiently bear the yoke of ſervitude. Matthew Wren biſhop of Norwich, and afterwards of Ely; the biſhop of Bath and Wells Coſins prebendary of Durham [y], being all of the ſame principles, ſeconded him in this deſign. And as if the difference between the church of England and preſbytery, had not been ſufficiently marked, they added to the worſhip ſundry innovations, and repreſented as abſolutely neceſſary, things indifferent, which religion might well have diſpenſed with. Hence pretences were found to perſecute the puritans, by reckoning among that party, all whom the court was pleaſed to call by that name.

[y] Coſins was never dean of Durham, was prebendary of Durham, and dean as Rapin by miſtake calls him. He of Peterborough.

The

Charles I. 1640. The wiſeſt part of the nation had long ſince perceived the king's and the court's policy, and their artifices to pave the way to arbitrary power. But it had not been poſſible to avoid the effects of it, becauſe the king diſſolved the parliaments, the moment they were bent to examine the grievances. Thus the regal power had gained ground by degrees, no one being in a capacity to hinder its progreſs. But as ſoon as the king's affairs had taken a new turn, by the entrance of the Scots into England, and the taking of Newcaſtle, and when the king ſaw himſelf under an abſolute neceſſity of calling a parliament, moſt of the members reſolved not to loſe the opportunity of aboliſhing the perſecution, introduced under the ſpecious pretence of ſtopping the progreſs of puritaniſm, but in reality for the better advancement of arbitrary power. Above all, the houſe of commons conſidered the innovations, and the rigour wherewith people were made to obſerve them, as ſo many artifices of the court-party, for the more eaſy attainment of their end. It muſt not therefore be thought ſtrange, if moſt of the members being united with regard to the grievances, were ſo likewiſe for the aboliſhing of innovations, and puniſhing the authors, as having ſerved for inſtruments to the king in the execution of deſigns, wherein religion was not ſolely concerned. This is what produced the charges againſt the archbiſhop of Canterbury, the biſhops of Ely, Bath and Wells, and againſt Coſins, beſides the brand of delinquents given by the commons to a great number of miniſters and others, who had countenanced the innovations.

The perſecution of the puritans is looked upon as an artifice of the king's to arrive at deſpotic power.

Views of the true preſbyterians.

Moſt of the members, as I ſaid, were united as to this point, becauſe there was not one but what conſidered it as a branch of the deſign to ſubject the realm to the king's will and pleaſure. But among this great number, there were real preſbyterians, who had more extenſive views, and thought, no doubt, of altering the government of the church, on pretence of the ill uſe, the biſhops had made of their power. Theſe, though not very numerous in the parliament, were ſupported by a great party in the kingdom, and particularly by the Scots, whoſe aſſiſtance was then abſolutely neceſſary. But they took care not to diſcover their intentions. They were contented at firſt to join with thoſe who only intended the redreſs of grievances, and to reſtore the government to its natural ſtate. They hoped, as it happened indeed, that the ſtrict examination of the grievances and innovations, would convince moſt of the members of the neceſſity to aboliſh the hierarchy, of which the court had made ſo great uſe in the execution of their deſigns. They propoſed to ſhow

on

on all occaſions, that it was almoſt impoſſible to reſtore the civil government, whilſt the king had in the clergy of the church of England, a ſupport capable of raiſing inſuperable obſtacles to the reformation of the government. For this reaſon, on all occaſions, the leaders of the preſbyterians were the moſt forward to ſpeak againſt the grievances. They aggravated chiefly thoſe that concerned the innovations in religion, which they openly aſcribed to the deſign of introducing the Romiſh religion. All this was done with a view to caſt upon the hierarchy, and the biſhops in general, the faults and ill conduct of ſome particular perſons. Charles I. 1640.

The other members who were of the church of England, though very oppoſite to the king, ſaw what was the intention of the preſbyterians. But they were kept in awe by the fear of loſing the aſſiſtance of the Scots, who ſupported this party, and rendered it very conſiderable. Wherefore they durſt not diſpleaſe the preſbyterian-party, for fear of cauſing in the parliament a diviſion, which would be fatal to the common cauſe, and conſequently very advantagious to the king. Beſides, the men I am ſpeaking of, did not believe the hierarchy to be abſolutely neceſſary in the church, or that religion could not ſubſiſt without biſhops. Only the rigid epiſcopalians, and the king's party were of this opinion, but they made not a majority. Thoſe therefore who had only in view the reformation of the ſtate, and not that of the church, could not however, without great inconveniences, help having ſome condeſcenſion for the preſbyterians, for the reaſons juſt mentioned. Perhaps they had no other view in their policy, than to gain time, till the civil grievances were redreſſed, without any deſign to go farther. But they had to deal with very able heads, who artfully led them beyond their firſt reſolutions.

The biſhops are attached more and more to the king.

On the other hand, the biſhops perfectly knew the intention of the preſbyterians, and that in leſſening the king's power, their deſign was to render him unable to oppoſe the change they were meditating. Wherefore they adhered the more firmly to the king's intereſt, and often, by the number of their voices, ſo managed it, that the upper-houſe voted directly contrary to the reſolutions of the lower. But thereby they procured the preſbyterians a conſiderable advantage. For the commons took occaſion from thence, to repreſent how advantagious it was for the king to have at his devotion ſo great a number of voices among the lords, and conſequently, how impoſſible it would be to ſucceed in the intended reformation, ſo long as the biſhops had votes in the upper-houſe.

This

Charles I. 1640. This led them at length to bring in a bill for the exclusion of all ecclesiastics from civil employments, and the bishops in particular, from a right of sitting in the house of lords.

Views of the politicians.

Those who had only in view to restore the civil government, without meddling with the hierarchy, (and whom I call the politicians, though I don't know they were ever so termed) were greatly embarrassed. They plainly saw, that sundry abuses had crept into the church, and would have readily agreed to their abolition, provided nothing more had been required. But it was proposed to go one step farther, and exclude the bishops from the upper-house, in which they saw several inconveniences, with regard to the interest of the church of England, to which they were attached. Though the presbyterian party did not entirely discover themselves, and seemed to have no other view than to facilitate the redress of all abuses after the exclusion of the bishops, it was easy to perceive, their projects reached farther, and that their aim was to undermine the hierarchy. It is certain, there was no less inconveniences in rejecting than consenting to, the bill. By leaving the bishops in the upper house, the king would be always secure of so many votes. As the lords were not then so numerous as at present, as some were absent or otherwise employed, and some also were Roman catholics, the bishops and the rest of the king's party greatly influenced the resolutions of the upper-house, as was daily experienced. Consequently the work of the reformation of the government could not but meet with great obstacles. On the other hand, by rejecting the bill proposed, the presbyterian party would be displeased, which was very considerable in the kingdom. chiefly by the support of the Scots, of whom there was great occasion, since it was by their means that the parliament was enabled to labour effectually the redress of the grievances.

Question by what title bishops sit in parliament.

Now began to be debated the famous question, By what title do bishops sit in parliament? It was not denied, they had enjoyed this privilege from the beginning of the monarchy; but some pretended, they sat in parliament as barons only, on account of the crown-lands granted them by the Anglo-Saxon kings, for which they did homage to the king like the rest of the barons. Others maintained, they had a seat there as representatives of the clergy, who could not be bound by the laws made in parliament, without giving their consent to them, according to the constant maxim of the kingdom, and the undeniable privilege which all English

Reasons for the bishops.

subjects

ſubjects had ever enjoyed. That the lords gave their conſent to laws for themſelves, and the commons for all the commons of the kingdom, and therefore it was neceſſary, there ſhould be in the parliament repreſentatives of the church and clergy, otherwiſe the maxim would be falſe, that no man can be bound by the laws to which he has not conſented. They added farther, that the parliament had always been thought to conſiſt of three eſtates, of which the clergy had been always conſidered as one, whence they inferred, that to exclude from the parliament one of its three eſtates, would be to ſubvert the conſtitution of the government. Charles I. 1640.

To theſe arguments it was anſwered: Though it ſhould be true, that the clergy were an eſtate of parliament diſtinct from the reſt of the people, which was conteſted, it did not follow, that the biſhops repreſented the whole church: That there were in the parliament two houſes, one of the lords, and the other of the commons; and two houſes in the convocation, the upper of the biſhops, and the lower of the inferior clergy; and therefore, according to this rule, the inferior clergy ſhould likewiſe have repreſentatives in the parliament, that they might be deemed to give their conſent to the laws, which, however, was never pretended. Hence it was inferred, the biſhops did not repreſent the clergy, and added, that this ſuppoſed repreſentation was a new thing, unheard of before, and that a few months ſince, the biſhops would have been very angry to be counted only bare repreſentatives: That though it was neceſſary, the clergy ſhould be repreſented in the parliament, it would not follow, that they ought to be repreſented by the biſhops, as all the people of England were not repreſented by the lords. That the abbots had formerly a ſeat in parliament, not as repreſentatives, but as being tenants in chief, and when they were excluded, it was not ſaid, that a breach was made in the conſtitution of the parliament, either by the excluſion of the abbots, or diſſolution of the monaſteries. Reply to theſe reaſons.

Theſe, if I am not miſtaken, are the principal arguments alledged for and againſt the biſhops, with regard to their ſeat in parliament. This queſtion was the more difficult, as it had been never determined by what right the biſhops ſate in parliament. Very probably, from the beginning of the monarchy, till about the end of the reign of Henry III. the parliaments conſiſted only of lords, who were in poſſeſſion of all the lands of the kingdom, for which they did homage to the king. And indeed it appears, the lords, before that time, granted the king the money neceſſary for the ſupport of the govern-

Charles I. 1640.

government, without any mention of the commons. It may therefore be ſaid, that the lords ſat in parliament by a double title, namely, for themſelves, and as repreſentatives of the nation. But after the commons were introduced into parliament, and had a ſeparate houſe, the lords loſt the laſt of theſe titles, and ſate only for themſelves, the reſt of the people having other repreſentatives. The biſhops and abbots, who belonged to the body of the lords, had probably their ſeat too by a double title, as poſſeſſors of baronies, and as repreſentatives of the clergy, ſecular and regular. But as in introducing repreſentatives of the commons into the parliament, repreſentatives of the inferior clergy were not alſo introduced, the biſhops and abbots may be ſaid to preſerve their double title to ſit there, as poſſeſſors of baronies, and as repreſentatives of the clergy. The diſſolution of the monaſteries in the reign of Henry VIII. rendered needleſs the repreſentation of the regulars, who no longer ſubſiſted; but it made no alteration in the biſhops right, who, according to this ſuppoſition, repreſented the ſecular clergy, and continued to ſit in parliament, though the abbots were aboliſhed. But after all it muſt be owned, this repreſentation of the ſecular clergy by biſhops, is only a ſuppoſition, which, though probable, cannot be ſaid to be ſo evident as not to be oppoſed *. But it ſeldom happens, that in diſputes of this nature, juſtice and right are ſolely regarded. Though the reaſons which may be drawn from the thing itſelf are not neglected, yet thoſe are much more ſtrenuouſly urged, which are founded in intereſt and policy.

Repreſentations of the Preſbyterians to the politicians.

The heads of the preſbyterians never ceaſed to repreſent to the politicians the impoſſibility of reſtoring the government to its natural ſtate, ſo long as the biſhops ſhould ſit in the houſe of peers; that the king had found means to gain the clergy to his intereſt, by expreſſing a great zeal for the church of England, and an extreme averſion to the preſbyterians; that the clergy, and eſpecially the biſhops, were entirely devoted to the king, in the belief that he was their protector

* It ſeems to be plain, that the clergy never thought themſelves repreſented by the biſhops, ſeeing that after the reſtoration, when the convocation dropped the privilege of taxing themſelves, the inferior clergy had in lieu of that privilege, a right to vote for members of parliament, and ſo have, ever ſince the year 1665, been repreſented by the commons, like the reſt of the freeholders. However, Mr. Hyde, (afterwards lord Clarendon) and others, made uſe of this argument, of the biſhops being the repreſentatives of the clergy, in their ſpeeches againſt the taking away the biſhops voices in the houſe of peers; which certainly was no argument at all, the prelates, doubtleſs, as well as mitred abbots, ſitting in parliament on account of their baronies, like the reſt of the nobility.

and only ſupport; that therefore they were perſuaded he could not be too powerful, ſince his power would be ſo advantagious to the clergy; that there were convincing proofs of this truth in the conduct of Laud, Wren, and other clergymen, particularly Sibthorpe, Montague, Manwaring, who had uſed their utmoſt endeavours to procure the king an unlimited power; that the clergy in general were ſtill in the ſame diſpoſitions, and could do for the future as much miſchief as formerly, if care was not taken to humble their pride and power, by confining them within the bounds of their calling. Charles I. 1640.

The politicians granted all theſe things, and beſides, were not very well pleaſed with the biſhops and the reſt of the clergy. But they were loth to yield, for fear the alteration propoſed might produce others in church and ſtate, which they did not care to meddle with. Mean while, after long weighing the inconveniences which might flow from their approbation or refuſal, they reſolved at laſt to ſacrifice the biſhops right, rather than run the riſk of ſeeing all their projects fall to the ground, by the obſtacles which the biſhops might raiſe. Whether this reſolution was taken by the leaders at the beginning of the parliament, which I think not unlikely, or whether it was neceſſary to uſe ſome time to prevail with the politicians, thoſe who ſollicited the thing, judged that before it came to be publicly debated, it was convenient to breed prejudices againſt the biſhops in the minds of the people, and to cheriſh thoſe already entertained. The houſe wanted not opportunities to execute this deſign. The bill to take from the biſhops their ſeat in parliament was not voted in the houſe of commons till the 11th of March 1640-1, and paſſed not the houſe of peers till the 27th of May following. But before the moving of this bill, the lower-houſe had taken ſeveral ſteps tending to incenſe the people againſt the biſhops. The great number of petitions againſt the biſhops in general, againſt epiſcopal government, againſt ſome particular prelates and clergymen, againſt innovations, againſt the late convocation, ſerved them for foundation to examine the conduct of the biſhops with all the rigour, their deſign required. Several pretend, all theſe petitions were begged, and I won't affirm the contrary, though I know nothing particular concerning it *. There is no clearer evidence of the com-

The politicians agree to the excluſion of the biſhops.

Artifices of the preſbyterians.

Nalſon, t. i. p. 523, 691. Ruſhworth.

* The lord Clarendon ſays, their way was to prepare a petition very modeſt and dutiful for the form; and for the matter, not very unreaſonable; and to communicate it at ſome public meeting, where care was taken it ſhould be

Charles I. 1640.

commons design with regard to the biſhops, than their reſolution on the 20th of November, ſeventeen days after the opening of the parliament, namely, that on Sunday the 22d of the ſame month [b] every member ſhould be obliged to receive the communion, and bring with him a ticket of his name and the place for which he ſerved, and that after the communion-day none ſhould ſit in the houſe but thoſe that had firſt received the ſacrament. This reſolution could be with no other view, than to prevent the commons from being eſteemed preſbyterians, and their reſolutions diſparaged on that pretence. Thus in the reign of Henry V. the houſe of commons intending to give a mortal blow to the clergy, began with paſſing an act for burning heretics, leſt the clergy ſhould pretend that the houſe conſiſted only of ſuch.

Artifice of the commons. Ruſhworth, iv. p. 53. Nalſon, t. i. p. 537.

Proceedings of the commons concerning religion in 1640, and 1641 Ruſhworth, iv. p. 39. Nalſon, t. i. p. 516.

To ſhow now all the preparations that were made in the houſe of commons, before they proceeded in the bill I have been ſpeaking of, I ſhall briefly mention the petitions that were preſented, the ſpeeches that were made on this ſubject, and the ſeveral reſolutions that were taken.

On the 10th of November, ſeven days after the opening of the parliament, ſir Edward Deering made a ſpeech in the houſe, to perſuade them to enter upon matters of religion. He took occaſion to preſent a petition from one Willon a miniſter, againſt the archbiſhop who had ſuſpended him, and concluded with ſaying, "Our manifold griefs do fill a mighty "and vaſt circumference, yet ſo that from every part our "lines of ſorrow do lead unto him, and point at him the "centre, from whence our miſeries in this church, and many "of them in the commonwealth do flow."

Ruſhworth, iv. p. 41. Nalſon, t. i. p. 518.

The ſame day was read the petition of Peter Smart, priſoner in the King's-Bench, complaining of Dr. Coſins's innovations in the church of Durham, and his proſecution of the priſoner in the high-commiſſion at York, where he was ſentenced and deprived of his living, and prebend of Durham. Whereupon it was ordered that he ſhould have liberty to go abroad in ſafe cuſtody, to proſecute his petition,

be received with approbation; the ſubſcription of very few hands filled the paper itſelf, where the petition was written, and therefore many more ſheets were annexed, for the reception of the number, which gave all the credit, and procured all the countenance to the undertaking. When a multitude of hands was procured, the petition itſelf was cut off, and a new one framed ſuitable to the deſign in hand, and annexed to the long liſt of names which were ſubſcribed to the former. Tom. 1. p. 161.

[b] Rapin ſays, on the day appointed for the faſt, but he forgot that the faſt was on the Tueſday before, namely, the 17th, as he had noted in the margin.

which was referred to a committee who were to conſider by whoſe motion and means Dr. Coſins was preferred to his late dignity [c]. It was archbiſhop Laud they had a mind to meet with. On the 21ſt, Dr. Coſins was ſent for as a delinquent by the ſerjeant at arms. Charles I. 1640.

The ſame day ſir Edward Deering made a ſpeech, complaining, that there was a ſevere high-commiſſion eſtabliſhed in England, worſe than the popiſh inquiſition; that the archbiſhop of Canterbury affected the title and power of a patriarch, and acted like a ſovereign; that he allowed of the impreſſion of books in favour of popery, of which he named ſeveral, and refuſed the ſame licenſe for printing orthodox writings. He moved that there might be a committee to inquire into the great number of oppreſſed miniſters under the biſhops tyranny, for ten years laſt paſt, and to examine the licences granted for bad books, and refuſed for good books. Ruſhworth, iv. p. 55. Nalſon, i. p. 538.

On the 28th the town of Banbury preſented a petition againſt innovations. Ruſhworth, iv. p. 64.

On the 30th it was reported from the committee for Mr. Wilſon's petition, that he had been ſequeſtred four years from his living, only for not reading the Book of Sports on the Lord's day: That after he was abſolved, he was proſecuted for not reading the prayer commanded to be read by the archbiſhop againſt the Scots. p. 66.

On the 1ſt of December was read a bill for reformation of abuſes in eccleſiaſtical courts. p. 68.

Three days after, the houſe received a petition from two of the inhabitants of Cheſter, complaining of their having been inhumanly treated by the high-commiſſion at York, for viſiting Mr. Pryn when he was going to his priſon in Caernarvon caſtle. Upon this petition the houſe appointed a numerous committee to examine the juriſdiction of the two commiſſions of Canterbury and York, and the abuſes committed in the courts. p. 81.

On the 9th a committee was appointed to examine the proceedings of the late convocation, as well as the convocation writs, whether they were the ſame with the writs of former times, and the opinions of the judges in that affair, and enquire how and by whom the commiſſion that enabled the clergy to give and take the new oath was withdrawn. p. 92.

c The deanry of Peterborough, and not Durham. Ruſhworth, tom. iv. p. 64.

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On the 11th, the houſe received a petition ſubſcribed by a great number of the inhabitants of London [4], and ſeveral counties, containing twenty-eight grievances againſt epiſcopal government, the ſubſtance whereof was as follows:

p. 93. The London petition againſt biſhops, containing twenty eight grievances. Ruſhworth, iv. p. 39. Nalſon, t. i. p. 666.

1. Grievance. The biſhops ſubjecting and enthralling all miniſters under them and their authority, and ſo by degrees exempting them from the temporal power.

2. The faint-heartedneſs of miniſters to preach the truth of God, and oppoſe the progreſs of arminianiſm, leſt they ſhould diſpleaſe the prelates.

3. The encouragement of miniſters to deſpiſe the temporal magiſtracy, and to live contentiouſly with their neighbours, knowing that they, being the biſhops creatures, ſhall be ſupported.

4. The reſtraint of many godly and able men from the miniſtry, and thruſting out of many congregations their miniſters, becauſe they could not in conſcience ſubmit unto, and maintain the biſhops needleſs devices.

5. The ſuppreſſing of the buying of impropriations, and placing of able miniſters in them.

6. The great increaſe of ſcandalous men in the miniſtry, who, if they but wear a canonical coat, a ſurplice, a hood, and bow at the name of Jeſus, think they have fully diſcharged their duty.

7. The diſcouragement of many from bringing up their children in learning; the many errors and ſtrange opinions which are in the church; great corruptions in the univerſities; the want of preaching miniſters in many places; the loathing of the miniſtry, and the general defection to all manner of profaneneſs.

8. The ſwarming of laſcivious and unprofitable books, in diſgrace of religion; as namely, Ovid's Fits of Love, The Parliament of Women, &c.

9. The hindering of godly books to be printed; the blotting out or perverting in thoſe which they ſuffer, whatever ſtrikes either at popery or arminianiſm; the adding of what pleaſeth them, and the reſtraint of reprinting books formerly licenſed, without relicenſing.

10. The publiſhing of popiſh, arminian, and other dangerous books and tenets; as namely, "That the church of "Rome is a true church, and in the worſt times never erred "in fundamentals; that the ſubjects have no propriety in "their eſtates; but that the king may take from them what "he pleaſeth; that all is the king's, and that he is bound by "no law, &c.

[4] Twenty-thouſand, ſays lord Clarendon, tom. i. p. 161.

11. The

11. The growth of popery, and increaſe of papiſts, prieſts and jeſuits; the frequent venting of crucifixes and popiſh pictures both engraven and printed, and the placing of ſuch in bibles. Charles I. 1640.

12. The multitude of monopolies, and impoſitions upon all kinds of commodities, &c. [a]

13. That the church-government in England was upheld the ſame way as in the Romiſh church. Hence it was that the prelates maintained, that the pope is not Anti-chriſt, and forbad praying in the church for the converſion of the queen.

14. The great conformity of veſtures and ceremonies with thoſe of the church of Rome.

15. The ſtanding up at the Gloria Patri, and at the reading of the goſpel; praying towards the eaſt; the bowing at the name of Jeſus; the bowing to the altar; towards the eaſt; croſs in baptiſm; the kneeling at the communion.

16. The turning of the communion-table altarwiſe; the ſetting images and tapers upon them; the reading of the ſecond ſervice at the altar, which is termed the Mercy-ſeat; the forcing people to come up thither to receive the ſacrament.

17. The conſecrating of churches, chapels, fonts, &c. and the re-conſecrating of them upon pretended pollution.

18. The liturgy for the moſt part taken out of the Romiſh breviary, and the book of ordination framed out of the Roman pontifical.

19. The multitude of canons; abuſe of excommunication; denying of appeals; the canons of the laſt ſynod.

20. Plurality of benefices; prohibiting of marriages without licence at certain times, and licenſing of marriages without bans aſking.

21. Profanation of the Lord's-day, the ſuſpending and depriving miniſters for not reading a declaration for tolerating ſports on that day.

22. The preſſing of the ſtrict obſervation of the ſaints days, and drawing great ſums of money out of mens purſes for giving them leave to work on them.

23. The great increaſe of adulteries, &c. occaſioned by the prelates corrupt adminiſtration of juſtice in ſuch caſes, who taking upon them the puniſhment of it, do turn all into moneys for the filling of their purſes.

24. The general abuſe of excommunication, which was inflicted for trivial matters; and the abſolution whereof could not be obtained without money, &c.

[a] How could monopolies be a conſequence of epiſcopal government?

Charles I. 1640. 25. The prelates claiming their office and jurisdiction to be Jure Divino; their taking upon them temporal dignities, &c.

26. The forcing people to take commissions out of their own courts.

27. The imposing of oaths upon church-wardens and sidesmen, which they cannot take without perjury [f].

28. The great abuse of ecclesiastical courts, and the bishops usurpations.

This petition ended with some considerations, the last whereof was, that the bishops having occasioned the war with Scotland, the war could be terminated only by the suppression of episcopacy.

Rushworth. iv. p. 97. The next day, several ministers [g] were declared delinquents, for introducing innovations into the church, and a committee was appointed to examine the complaints exhibited against the bishop of Bath and Wells.

p. 99, 111, 113, 123. On the 15th, the house proceeded to take into consideration the new canons of the late convocation, and voted what has been related. After that, Laud was accused, and Wren obliged to give bail.

1640-1. On the 12th of January 1640-1, petitions were presented from four several counties against the hierarchy.

p. 135. p. 143. On the 16th, a complaint was brought to the lords [h] against a conventicle held in the parish of St. Saviour's in Southwark, where at least sixty persons were seized, who upon being asked why they did not resort to their parish-church, according to the law of the 35th of Elizabeth, answered, that the law of Elizabeth was not a true law, for that it was made by the bishops [i]. The lords contented themselves with ordering, that divine service should be performed as appointed by the acts of parliament; and that the ministers should forbear to introduce any innovations.

p. 145. On the 19th, the city of Gloucester presented a petition against the bishops.

p. 152. On the 23d was read a petition of several ministers, in behalf of themselves and many others their brethren, praying a redress of certain irregularities in the government of the

[f] This refers to an oath appointed by the bishop of Winchester. Rapin.

[g] Those of Beckington, Mells, and Hemington in Somersetshire. Nalson, tom. i. p. 606.

[h] The paper was first delivered to the king, and recommended by him to the consideration and justice of the house of peers. Nalson, t. i. p. 427.

[i] They said likewise, "That the "king could not make a perfect law, "for that he was not a perfect man; "That they ought not to obey him, "but in civil things, &c. Rushworth, tom. iv. p. 344.

church,

church. To which was annexed a remonſtrance ſetting forth theſe pretended irregularities, and the great revenues and the little uſe of deans and chapters. Charles I. 1640-1.

All theſe petitions, which were very graciouſly received by the commons, being plain indications that the houſe had ſome ill deſign againſt the biſhops, his majeſty ſent for both houſes to attend him at the banquetting-houſe at Whitehall, where he made the following ſpeech.

My lords, and you the knights, citizens, and burgeſſes,

"THE principal cauſe of my coming here at this time, is by reaſon of the ſlow proceedings in parliament, touching which, is a great deal of inconvenience. Therefore I think it very neceſſary to lay before you the ſtate of my affairs as now they ſtand, thereby to haſten (not to interrupt) your proceedings. The king's ſpeech to the parliament. Jan. 25, Ruſhworth, iv. p. 154. Nalſon, t. i. p. 735.

"Firſt, I muſt remember you, that there are two armies "in the kingdom, in a manner maintained by you, the very "naming of which, doth more clearly ſhew the inconve- "nience thereof, than a better tongue than mine can expreſs. "Therefore, in the firſt place, I ſhall recommend unto you "the quick diſpatch of that buſineſs. In the next place, I "muſt recommend unto you the ſtate of my navy and forts; "the condition of both which is ſo well known unto you, "that I need not tell you the particulars, only thus much; "they are the walls and defence of this kingdom, which if "out of order, all men may eaſily judge what encourage- "ment it will be to our enemies, and what diſheartening to "our friends. Laſt of all (and not the leaſt to be conſider- "ed) I muſt lay before you the diſtractions that are at this pre- "ſent occaſioned through the connivance of parliament; for "there are ſome men that, more maliciouſly than ignorantly, "will put no difference between reformation, and alteration "of government. Hence it cometh, that divine ſervice is "irreverently interrupted, and petitions in an ill way given "in, neither diſputed nor denied.

"But I will enter into no more particulars, but ſhew you "a way of remedy, by ſhewing you my clear intentions, "and ſome rocks that may hinder this good work.

"I ſhall willingly and chearfully concur with you for the "reformation of all innovations both in church and com- "monwealth, and conſequently that all courts of juſtice may "be reformed according to law. For my intention is clearly "to reduce all things to the beſt and pureſt times, as they

Charles I. 1640-1.

" were in the time of queen Elizabeth. Moreover, what-
" ſoever part of my revenue ſhall be found illegal, or heavy
" to my ſubjects, I ſhall be willing to lay it down, truſting
" in their affections.

" Having thus clearly and ſhortly ſet down my intentions,
" I will ſhew you ſome rubs, and muſt needs take notice of
" ſome very ſtrange, (I know not what term to give them)
" petitions given in the name of divers counties, againſt the
" preſent eſtabliſhed government, and of the great threat-
" nings againſt the biſhops, that they will make them to be
" but cyphers, or at leaſt their voices to be taken away. Now
" I muſt tell you, that I make a great difference between re-
" formation and alteration of government; though I am for
" the firſt, I cannot give way to the latter.

" If ſome of them have overſtretched their power, and
" incroached too much upon the temporality, if it be ſo, I
" ſhall not be unwilling theſe things ſhould be redreſſed and
" reformed, as all other abuſes, according to the wiſdom of
" former times; ſo far I ſhall go with you, nay farther, if
" upon ſerious debate you ſhall ſhew me, that biſhops have
" ſome temporal authority, inconvenient to the ſtate, and
" not ſo neceſſary for the government of the church, and
" upholding epiſcopal juriſdiction; I ſhall not be unwilling
" to deſire them to lay it down; but this muſt not be un-
" derſtood, that I ſhall any way conſent that their voices in
" parliament ſhall be taken away; for in all the times of my
" predeceſſors ſince the conqueſt, and before, they have en-
" joyed it; I am bound to maintain them in it, as one of
" the fundamental conſtitutions of this kingdom. There is
" another rock you are on, not in ſubſtance but in form;
" yet the form is ſo eſſential, that unleſs it be reformed, it
" will marr the ſubſtance.

" There is a bill lately put in concerning parliaments.
" The thing I like well, to have frequent parliaments, but
" to give power to ſheriffs and conſtables, and I know not
" whom, to uſe my authority, that I cannot yield unto.
" But to ſhew you, that I am deſirous to give you content
" in forms which deſtroy not the ſubſtance, you ſhall have a
" bill for this purpoſe; ſo that it trench neither againſt my
" honour, nor againſt the antient prerogative of the crown,
" concerning parliaments, to which purpoſe I have com-
" manded my learned council to wait upon you, my lords,
" with ſuch propoſitions as I hope will give you content, for
" I ingenuouſly confeſs, that frequent parliaments are the beſt

" means

" means to keep a right underſtanding between me and my people, which I ſo much deſire." Charles I. 1640-1.

" To conclude, I have now ſhown you the ſtate of my " affairs, my own clear intentions, and the rocks I wiſh you " to eſchew; in all which you may perceive the deſire I have " to give you content, as you ſhall find alſo by thoſe mini- " ſters I have, or ſhall have, about me for the effecting of " theſe my good intentions, which, I doubt not, will bring " peace and happineſs to my ſubjects, and contentment to " you all.

" Concerning the conference, you ſhall have a direct an- " ſwer, which ſhall give you ſatisfaction."

This ſpeech produced not the effect, the king expected: Firſt, becauſe probably the excluſion of the biſhops was already reſolved, and there was nothing in the king's ſpeech capable of altering that reſolution. Secondly, the great concern expreſſed by the king for the biſhops right, was preciſely the principal cauſe that made their excluſion to be deſired. Thirdly, the king ſeemed to banter the parliament, when he ſaid, " if they would ſhew him that the biſhops have any " temporal authority inconvenient to the ſtate, he ſhould not " be unwilling to deſire them to lay it down." As if the parliament ought to have expected, from the pure condeſcenſion of the biſhops, the reformation of an authority prejudicial to the ſtate, a maxim directly contrary to the principles, the parliament was then of.

The next day, a complaint was brought to the commons againſt Matthew Wren, for having, whilſt biſhop of Norwich, by oppreſſions, innovations, and requiring certain oaths, compelled above fifty families of that city to withdraw out of England. Complaint againſt Wren biſhop of Ely. Jan. 26. Ruſhworth, iv. p. 158.

On the 1ſt of February, the commons examined part of the London miniſters remonſtrance againſt the biſhops. In the debate upon this ſubject, ſome ſmart repartees paſſed between Mr. Grimſton and Mr. Selden. Mr. Grimſton argued thus: " That biſhops are Jure divino, is a queſtion; " that archbiſhops are not Jure divino, is out of queſtion. " Now that biſhops which are queſtioned whether Jure di- " vino, or archbiſhops, which out of queſtion are not Jure " divino, ſhould ſuſpend miniſters that are Jure divino, I " leave to you to be conſidered." To which Mr. Selden anſwered, " That the convocation is Jure divino, is a queſtion; " that parliaments are not Jure divino, is out of queſtion: " That religion is Jure divino, there is no queſtion. Now, Grimſton's and Selden's arguments. Ruſhworth, iv p. 195. Nalſon, t. i. p. 744.

Charles I. 1640-1. "Sir, That the convocation, which is queſtionable whether "Jure divino, and parliaments, which out of queſtion are "not Jure divino, ſhould meddle with religion, which "queſtioneſs is Jure divino, I leave to your conſideration."

I own, theſe two arguments do not ſeem to me of equal force. The firſt ſuppoſes, that for the particular act of ſuſpending a miniſter, there muſt be an authority derived from God, a ſuppoſition ſeemingly very natural. The other ſuppoſes, that there is occaſion for the like authority, to meddle with the affairs of religion, a ſuppoſition which to me appears a little too general, and which ſhould be reduced to particular acts, to render this argument like the firſt.

Ruſhworth, iv. p. 169. On the 5th, upon the complaint of the inhabitants of Wood-Church in Kent, againſt Mr. Bowen their miniſter, who being alſo a juſtice of peace, had, by colour of that office, done ſeveral things contrary to the laws, the houſe ordered, that the lord-keeper ſhould be deſired to leave out the clergy of England and Wales, at the renewing of the commiſſion of the peace.

Nalſon, t. i. p. 784, &c. Ruſhworth, iv. p. 170, 387. On the 8th and 9th, the houſe reſumed the debates concerning the biſhops, and many ſpeeches were made for and againſt them [k], but they are too long to be inſerted. I ſhall content myſelf with obſerving, that though the point in queſtion ſeemed to be only to know, whether the biſhops ought to be excluded from the houſe of peers, yet the arguments againſt them tended much farther, even to the entire abolition of epiſcopacy.

I ſhall alſo remark, that among thoſe who ſpoke for the biſhops, there was not one that denied, the prelates had abuſed their power. But they maintained, that theſe were perſonal faults, which might be puniſhed and prevented for the future, without any neceſſity of attacking epiſcopacy itſelf. The adverſaries of the biſhops intimated on the contrary, that there was no reforming epiſcopacy, but by changing the government of the church. They ſaid, whilſt there were biſhops there would be ſo many tyrants, who would think more of eſtabliſhing their grandeur, than of the people's ſalvation. Unhappily, they had but too many inſtances to confirm their opinion. The lord Falkland, who ſpoke that day againſt the biſhops, ſaid, among other things,

k Thoſe that ſpoke in favour of the biſhops, were, the lord Digby, ſir Benjamin Rudyard, the lord Falkland, Mr. Plydell, and Mr. Grimſton; and thoſe that ſpoke againſt them, were, Mr. Nathaniel Fiennes, Mr. Bagſhaw, &c. See Ruſhworth, tom. iv. p. 170—187.

"We ſhall find them to have tythed mint and aniſe, and have left undone the weightier works of the law; to have been leſs eager upon thoſe who damn our church, than upon thoſe, who upon weak conſcience, and perhaps as weak reaſon, (the diſlike of ſome commanded garment, or ſome uncommanded poſture) only abſtained from it. Nay, it hath been more dangerous for men to go to ſome neighbour's pariſh, when they had no ſermon of their own, than to be obſtinate and perpetual recuſants; while maſſes have been ſaid in ſecurity, a conventicle hath been a crime; and which is yet more, the conforming to ceremonies hath been more exacted, than the conforming to chriſtianity; and whilſt men for ſcruples have been undone, for attempts upon ſodomy they have only been admoniſhed." Charles I. 1640-1. A paragraph out of the lord Falkland's ſpeech againſt biſhops. Feb. 9. Ruſhworth, iv. p. 184. Nalſon, i. i. p. 690.

The oppoſition which the enemies of epiſcopacy then met with in the execution of their deſigns, was ſtrong enough to retard it, but not capable to make them deſiſt. What they had juſt done was properly but an effort, in order to take more effectual meaſures hereafter. They were contented, therefore, with having prevailed with the houſe, that the petition of the inhabitants of London ſhould be taken into conſideration, contrary to the opinion of thoſe who would have it rejected without reading. Beſides, what had been ſaid on this occaſion againſt the biſhops, promoted the execution of the project, to take away their votes in the houſe of lords, which moſt of the commons had already reſolved in private. They continued therefore to receive petitions againſt epiſcopacy, and to take ſeveral ſteps tending to inſpire the people with an averſion for the biſhops, and the reſt of the clergy.

The 13th of February, a bill was brought in for aboliſhing ſuperſtition, in the ſuppoſition, that biſhops had introduced into the church ſundry ſuperſtitious practices. Nalſon, i. i. p. 775. Ruſhworth, iv. p. 188.

The 1ſt of March the commons appointed a committee to prepare reaſons to be offered to the lords, that all clergymen in England and Wales, ſhould be put out of the commiſſion of the peace. Id. p. 202.

The 9th, it was moved in the houſe, that a bill be drawn againſt pluraliſts and non-reſidents. P. 296.

The ſame day were preſented, from the committee for the miniſters remonſtrance againſt the biſhops, three heads for the debate and conſideration of the houſe. The firſt concerned their ſecular employments, namely, their legiſlative and judicial power in parliament; their judicial power in the ſtar-chamber, and commiſſions for the peace; their employment as privy-counſellors, and temporal offices. The ſecond Votes of the commons againſt the biſhops. Ruſhworth, iv. p. 206. Nalſon, i. i. p. 786. Diurn. Occurr.

related

Charles I. 1640-1. related to their ſole power in eccleſiaſtical things, as ordination and cenſures. The third concerned the greatneſs of the revenues of deans and chapters, the little uſe of them, and the inconveniencies thence ariſing. The houſe having debated upon the firſt of theſe heads, came to theſe reſolutions:

Ruſhworth, iv. p. 212. I. That the legiſlative and judicial power of biſhops in the houſe of peers, is a great hindrance to the diſcharge of their ſpiritual function, prejudicial to the commonwealth, and fit to be taken away by bill, and that a bill be drawn to that purpoſe.

II. That for biſhops, or any other clergymen, to be in the commiſſion of the peace, or to have any judicial power, in the ſtar-chamber, or in any civil court, is a great hindrance to the diſcharge of their ſpiritual function, prejudicial to the commonwealth, and fit to be taken away; and that a bill be brought in to that purpoſe.

Dr. Pocklington's books ordered to be burnt. The ſame day, the lords ordered to be burnt two books, written by Dr. Pocklington, entitled, Sunday no Sabbath, and Altare Chriſtianum.

Nalſon, t. i. p. 774. Ruſhworth, iv. p. 208. The 15th, the commons ſent up to the lords articles againſt Dr. Coſins, who was accuſed of introducing into the church of Durham divers innovations, tending to reſtore popery.

p. 229. The 21ſt of April, petitions againſt the hierarchy were preſented by Nottinghamſhire and Lancaſhire.

p. 735. Nalſon, t. i. p. 806. The 26th of the ſame month was read, a ſecond time, a bill, for puniſhing and fining the members of the late convocation. The archbiſhop of Canterbury's fine was of twenty thouſand pounds. There were others of ten thouſand pounds, of five thouſand, three thouſand, two thouſand, and the leaſt of a biſhop was of a thouſand. The reſt of the members were rated, each in proportion to his eccleſiaſtical revenues[1].

Ruſhworth, iv. p. 238. The ſame day was read a bill, for regulating abuſes in eccleſiaſtical courts.

Nalſon, t. ii. p. 240. It was evident, that the commons were projecting ſome great reformation in the eccleſiaſtical ſtate, and probably, the deans and chapters were firſt to be attacked, becauſe their uſe did not appear ſo manifeſt. For this reaſon, Dr. Hacket deſired leave to ſpeak before the houſe, on the behalf of deans and chapters, which was granted him. But after he had done, Dr. Burgeſs was permitted alſo to anſwer his reaſons. The two univerſities preſented likewiſe petitions to the houſe on the ſame account, but to no manner of purpoſe.

Ruſhworth, iv. p. 170, &c.

[1] The reader may ſee the draught of the intended fines at large in Ruſhworth, tom. iv. p. 375, &c.

At

At laſt, the bill againſt the biſhops and clergy exerciſing temporal juriſdiction, paſſed in the houſe of commons, and was ſent up to the lords for their concurrence. But this bill meeting with great oppoſition in the houſe of peers, who put off the debate from day to day, the commons cauſed a new bill to be brought into their houſe, for the taking away of archbiſhops, biſhops, deans, archdeacons, &c. which was read the firſt time. Whilſt they were debating whether it ſhould be read again or laid aſide, a meſſage came from the lords, ſignifying, that they were ready to concur with them as to the former bill, except only taking away the biſhops votes in parliament. But the commons, without taking any notice of this offer, ordered the new bill to be read a ſecond time. Charles I. 1640-1. May 3. Ruſhworth, iv. p. 240. p. 278.

The 2d of June, at a conference between the two houſes, the lords gave reaſons why they did not judge it unlawful for the biſhops to ſit in parliament, alledging, that for their right to vote there, they conceived by the common and ſtatute-law, and antient practice, there was no queſtion of it. As for any inconveniences, they did not yet underſtand any ſuch as might induce them to deprive the biſhops and their ſucceſſors of their right. But for removing them from the ſtar-chamber, council-table, or any office in ſecular affairs, they would fully concur with the commons. Ruſhworth, iv. p. 280.

Next day, heads for a conference with the lords were reported, containing nine reaſons why biſhops ought not to have votes in parliament [m]. Id. p. 281.

Reaſons why biſhops ought not to have votes in parliament.

" 1. Becauſe it is a great hindrance to their miniſterial " function.

" 2. Becauſe they do vow and undertake at their ordina- " tion, when they enter into holy orders, that they will give " themſelves wholly to that vocation.

Id. p. 281. Nalſon, t. i. p. 260.

" 3, Becauſe councils and canons in ſeveral ages, do forbid " them to meddle in ſecular affairs.

" 4. Becauſe the twenty-four biſhops have dependance on " the two archbiſhops, and take their oath of canonical obe- " dience unto them.

" 5. Becauſe they are but for their lives, and therefore are " not fit to have legiſlative power over the honours, inheri- " tances, perſons, and liberties of others.

" 6. Becauſe of biſhops dependency and expectancy of " tranſlation to places of greater profit.

[m] To theſe reaſons there was ſoon an anſwer in print, called, An Abſtract, &c. (ſaid to be done by the archbiſhop of York) and to that preſently came forth a reply. To which the curious reader is referred. Ruſhworth, tom. i. p. 282.

" 7. That

Charles I. 1640-1.

"7. That the ſeveral biſhops have of late much encroached upon the conſciences and liberties of the ſubjects; and they and their ſucceſſors will be much encouraged ſtill to encroach; and the ſubject will be much diſcouraged from complaining againſt ſuch encroachment, if twenty-ſix of that order be to be judges upon that complaint. The ſame reaſon extends to their legiſlative power, in any bill to paſs for the regulation of that power, upon any emergent inconveniency by it.

"8. Becauſe the whole number of them are intereſted to maintain the juriſdiction of biſhops; which hath been found ſo grievous to the three kingdoms, that Scotland hath utterly aboliſhed it.

"9. Becauſe the biſhops, being lords of parliament, it ſetteth too great a diſtance between them and the reſt of their brethren in the miniſtry; which occaſioneth pride in them, diſcontent in others, and diſquiet in the church.

"And as to their having votes a long time, the anſwer is, if it be inconvenient, time and uſage are not to be conſidered with law-makers: ſome abbots voted as antiently in parliament as biſhops, yet are taken away."

Among theſe reaſons, the commons only inſinuated the principal in the ſixth article, which however was univerſally known, namely, that the biſhops had been too much devoted to the king, and countenanced arbitrary power.

Mean while the commons ordered a bill to be prepared againſt the late convocation, and another to aboliſh the high-commiſſion.

Ruſhworth, iv. p. 282.

The 7th of June, the lords voted for maintaining the biſhops right to ſit in parliament.

Preamble to the bill againſt epiſcopacy. Id. p. 283.

The 11th, the affair of epiſcopacy coming again into debate, laſted from ſeven in the morning, till night [n], and it was reſolved by the commons, that the preamble to the bill ſhould be expreſſed in theſe words:

"Whereas the government of the church of England by archbiſhops and biſhops, the chancellors and commiſſaries,

[n] In this long debate, the authority of that very antient parchment-manuſcript-copy of the Bible in his majeſty's library at St. James's, and ſent to king Charles I. by Cyrillus patriarch of Alexandria, being all written in great capital Greek letters, was vouched and aſſerted by ſir Simonds d'Ewes (a great antiquary) wherein the ſubſcript to the epiſtles to Timothy and Titus are only thus: "The Firſt to Timothy, written from Laodicea: the Second to "Timothy, written from Laodicea: "to Titus, written from Nicopolis." Whence he inferred, that the ſtiling of Timothy the firſt biſhop of Epheſus, and Titus the firſt biſhop of Crete, were the ſpurious additions of ſome eaſtern biſhop or monk, at leaſt five hundred years after Chriſt. Ruſhworth, tom. iv. p. 284. Diurn. Occur. p. 123.

"deans,

"deans, archdeacons, and other eccleſiaſtical officers, hath been found by long experience to be a great impediment to the perfect reformation and growth of religion, and very prejudicial to the ſtate and government of this kingdom, &c." Charles I. 1640-1.

The 15th, the commons voted that all deans, deans and chapters, archdeacons, prebendaries, chanters, canons, and petty-canons, and their officers, ſhall be utterly aboliſhed: that all the lands taken from deans and chapters ſhall be employed to the advancement of learning and piety, proviſion being made that his majeſty be no loſer in his rents, firſt-fruits, and other duties; and that a competent maintenance ſhall be made to the ſeveral perſons concerned, if ſuch perſons appear not to be delinquents. Several ſpeeches, too long to be inſerted, were made upon this occaſion. Votes againſt the hierarchy. p. 285.

The 21ſt, the houſe being reſolved into a grand committee to debate the bill for aboliſhing epiſcopacy, ſir Edward Deering propoſed, in a ſpeech, that there ſhould be in every ſhire twelve divines and a preſident, to whom might be given what title they pleaſed, whether that of biſhop or any other: but nothing was reſolved thereupon. p. 293. Nalſon, t. ii. p. 295.

It is eaſy to perceive by what paſſed in the parliament, during the firſt months, with regard to the church, that the commons conſidered this affair as a capital point, though they affected to let it paſs as dependent on the deſign of reforming the civil government. For ſcarce a day paſſed without ſome debate, directly or indirectly, on this ſubject. But as this was not the only affair then in agitation in the parliament, it will be neceſſary to break off the narration, in order to ſpeak of ſome other matters of no leſs importance.

The king could not but be very much diſpleaſed with the proceedings of the commons, as well in the affair of grievances, as in that of epiſcopacy. The two things he had moſt at heart, ſince the beginning of his reign, were the ſtretching his prerogative, and maintaining the church of England in its full luſtre, and the biſhops in all their authority. Nevertheleſs, upon theſe two points it was that the commons ſeemed to affect to give him daily mortifications, not only by their ſpeeches, but alſo by their votes and the bills they ſent up to the lords.

But beſides grievances and epiſcopacy, there was another article, wherein the commons ſhowed no great complaiſance to the king; and that was the affair of the catholics. Charles followed the king his father's method, that is, he appeared to be entirely attached to the proteſtant religion and church of England; Proceedings of the commons againſt the papiſts.

Charles I. 1640-1. England; whilſt on the other hand, he protected and countenanced the papiſts. But there was this difference between the father and ſon; king James's religion was always very doubtful, notwithſtanding his outward profeſſion of the proteſtant religion; whereas king Charles was never accuſed of being a papiſt, but by men of very warm and paſſionate tempers. However, ſeveral things induced him to favour the catholics, which gave his enemies ſome advantage. 1. The example of the king his father, who, throughout his whole reign, could never be prevailed with to execute the laws againſt them. 2. Though the papiſts would not take the oath of ſupremacy, they refuſed not to ſwear allegiance, and that was ſufficient for him to reckon them good ſubjects. 3. In his project of humbling the parliament, and reducing the commons to the ſole affair of ſupply, the parliament's deſiring the execution of the laws againſt the papiſts, ſufficed to throw him upon a contrary courſe, in order to deprive them by degrees, of the cuſtom of obtaining every thing by importunity. 4. The catholics having no other refuge but the king's protection, it was natural for them firmly to adhere to his perſon and intereſt, and the king thought himſelf obliged to grant them an extraordinary protection, in reward of their fidelity. 5. Nothing was more grating to the puritans, than to ſee the papiſts well received at court; and as the king hated the puritans, he took a pleaſure in mortifying them, by careſſing their enemies. 6. The queen, for whom the king had a very great condeſcenſion, did not a little contribute to inſpire him with a good opinion, if not of her religion, at leaſt of the profeſſors. 7. Archbiſhop Laud, who was an arminian, took care not to ſtrengthen the calviniſtical-party, by incenſing the king againſt the papiſts. 8. Laſtly, Charles I. was naturally of an inflexible temper, and this quality, added to his maxims of government, made him impatient of whatever tended to curb his will. Theſe are probably, the reaſons that induced the king to countenance the catholics, during the firſt fifteen years of his reign. He carried his regard for them ſo far, that not only the penal laws enacted againſt them were never executed, but the papiſts were alſo conſidered at court as the beſt ſubjects, whereas the puritans were regarded as enemies to the king and ſtate.

Reaſons why the king favoured the papiſts.

The face of affairs being changed by the calling of the parliament, and the king unable to protect the papiſts, they were treated a little roughly. It was ſuppoſed, there was a ſettled deſign to introduce popery, and that ſeveral biſhops and other clergymen were in the plot. The archbiſhop of Canterbury, the

the biſhops of Ely, and of Bath and Wells, Dr. Coſins, ſecretary Windebank, and ſome others, were accuſed of being chiefly concerned in the affair, which was openly ſaid to be managed by the queen and her confidents. Though this charge was perhaps carried too far, with reſpect to the private perſons, it can hardly be denied, that they gave ſome cauſe for it by their proceedings. Their hatred to the preſbyterians, made them not ſcruple to make too near approaches to popery, in order to be at a greater diſtance from preſbyterianiſm. This, if I am not miſtaken, was the true cauſe of all the innovations introduced into the public worſhip, and of the inviolable attachment to the obſervance of certain indifferent or needleſs cuſtoms and ceremonies. The chief aim of the governors of the church was to widen continually the diſtance between preſbyterianiſm and the church of England. But this policy, which was advantagious to the enemies of the puritans, whilſt the king ruled with an abſolute power, turned to their prejudice entirely, becauſe in this parliament they were accuſed of having had more ſecret deſigns; in a word, of having intended to introduce popery, and the puniſhment of the faults committed by ſome hot and paſſionate perſons, was made to fall on the whole church. Charles I. 1640-1.

In all the proceedings of the parliament againſt the papiſts, the king had properly nothing to ſay. He could not deny that there were laws againſt recuſants, and that theſe laws had not been executed, though he had ſeveral times ſolemnly promiſed it. It was no longer a proper ſeaſon to protect them openly, and therefore he publiſhed proclamations, enjoining the execution of the laws, in order to content the parliament. But theſe proclamations were ſo artfully drawn, that they properly granted nothing of what they ſeemed to promiſe: eſpecially, the parliament could never prevail with the king to let the condemned prieſts be executed, whether the king believed theſe ſentences too rigorous, or the queen's ſollicitations had a greater influence upon him than thoſe of the parliament. I ſhall now proceed to the moſt material tranſactions concerning the catholics, during the firſt ſeven or eight months of this ſeſſion.

In the beginning of the parliament, the king having publiſhed a proclamation againſt recuſants, the committee, charged with examining it, reported, it was not according to his majeſty's intentions, or the expectation of the houſe, for the following reaſons: Report of the committee concerning the proclamation againſt recuſants.

1. In the clauſe wherein the proclamation commands all popiſh recuſants within fifteen days to depart the city, &c. it is Ruſhworth, iv. p. 65. Nalſon, t. i. p. 560.

Charles I. 1640-1.

is added, "Without ſpecial licence had thereunto:" ſo that if by any means they can obtain any licence from his majeſty (which the committee thinks they cannot) or from the lords of the council, biſhop, lieutenant, or deputy-lieutenant, then they are not within that clauſe.

2. The order to diſarm all recuſants, is limited to recuſants convict, and being ſo reſtrained, if any be armed and not convicted, a juſtice of peace cannot diſarm them.

3. Recuſants are commanded to depart to their own dwelling houſes; but as of late days there is great reſort of recuſants to London and Weſtminſter, and places adjacent, there is no urging them from thence by law.

The committee added, that many recuſants had letters of grace to protect their perſons and eſtates.

Ruſhworth, iv. p. 68, 60, 70. Nalſon, t. i. p. 571.

In the continuation of this report, a few days after, the committee ſaid, that upon the examination of the keepers of two priſons only, Newgate and the Clink, they found ſixty-four prieſts and jeſuits diſcharged in one year, ſome by privy-ſignet, others by warrants from the lords of the council, but moſt of them by warrants from ſecretary Windebank, without any mention of the king's pleaſure[o]. That upon examination of the clerk of the peace for Middleſex, and the clerk of the crown in the king's-bench, it was found, that within the compaſs of ſeven or eight years there had been ſeventy-four letters of grace[p]. Then they deſcended to particular circumſtances, concerning the diſcharge of ſeveral perſons condemned for treaſon, all by the order of Windebank: they ſaid moreover, that they had diſcovered ſixty-four letters of grace to ſtay the proſecution againſt papiſts, directed to ſeveral counties and judges. It was added, that indeed the king had power to pardon the condemned: but to command no further proſecution, was contrary to law.

Ruſhworth. iv. p. 67. p. 73.

The 30th of November, the commons deſired the general of the army to diſmiſs all popiſh officers[q]; and moved his majeſty, that all commanders and other officers in any town or garriſon that were papiſts, might be removed. The king

[o] In the report it is added, that very few appeared to be under the king's own hand, and of them not any one but at the requeſt of foreign ambaſſadors, and the queen-mother. Ruſhworth, tom. iv. p. 68.

[p] Rapin having made ſome miſtakes in this paragraph, they are corrected from the report at large in Ruſhworth, tom. iv. p. 68. The nature of these letters of grace was this, they were directed to archbiſhops, biſhops, judges, and all other the king's officers, to ſtay all proceedings againſt the perſons therein named. See the report before-mentioned.

[q] The general's anſwer was, that as ſoon as he could, he would return an anſwer in writing. Ruſhworth, tom. iv. p. 73.

anſwered,

anſwered, he knew of no papiſt that had the command of any place, but, however, had given orders to be more particularly informed. Charles I. 1640-1.

The 1ſt of December, the houſe ordered the preparing of a remonſtrance to his majeſty, concerning the pope's pretended nuntio. This was count Roſetti, who exerciſed in England the function of nuntio, under colour that it was neceſſary to the queen for matters of conſcience. Ruſhworth, tom. iv. p. 71.

The 5th, the houſe ſent an order to all the juſtices of peace of Weſtminſter, London, and Middleſex, enjoining them to proceed againſt recuſants according to law, notwithſtanding any inhibition or reſtraint. p. 73.

In January following there was a ſort of diſpute between the king and the commons, on account of John Goodman a jeſuit, who had been condemned to die, but was reprieved by the king. The houſes had ſeveral conferences upon this ſubject, and at laſt agreed to join in a remonſtrance to his majeſty, to move him that the laws might be executed againſt prieſts and jeſuits, and particularly againſt Goodman. The king, who deſired to ſave the jeſuit, alledged that he had been condemned merely for being in orders of a prieſt, and had never been condemned or baniſhed before. But the two houſes repreſented to him, that this prieſt and jeſuit had been a miniſter of the church of England, and had been formerly twice committed and diſcharged. In ſhort, the king replied, that if Goodman were put to death, the proteſtants abroad in catholic countries might ſuffer for it; but however would leave it to both houſes to do as they thought fit. Next day, Goodman ſent a petition to the king, which was immediately communicated to the houſe of lords, wherein he ſaid, that he was content to die rather than live the ſubject of ſo great diſcontent between him and his people. As it does not appear that the parliament inſiſted any more upon this matter, it is likely the king obtained his deſire, and ſaved the jeſuit's life. But this ſort of victory failed not to do him ſome prejudice, in that his enemies took occaſion from thence to repreſent, that there was no depending upon his proclamations or promiſes with reſpect to the papiſts, ſince they were never executed. It is not doubted but the queen ſollicited ſtrongly in Goodman's behalf. Buſineſs of Goodman the jeſuit. Ruſhworth, tom. iv. p. 153, 155, 157, 158, 165. Nalſon, tom. i. p. 739, 746.

The 11th of February 1640-1, notice was given to the commons, that the papiſts were preparing to execute ſome great deſign [r], and that by the queen's order all Roman catholics faſted Ruſhworth, tom. iv. p. 118. Diurn. Occ.

[r] Particularly that there were fifteen in Ireland, and ſeveral thouſands in a hundred in Lancaſhire, eight thouſand South and North Wales, well furniſhed

Charles I. 1640-1. fasted every Saturday, for the prosperous success of the same. Whereupon an order was made that all judges in their circuits should effectually put the laws in execution against priests and jesuits[a].

Rushworth, tom. iv. p. 275. The 17th of May, the commons ordered the lord mayor of London, and the justices of peace for London, Westminster, and Southwark, "to prevent papists from resorting to ambassadors' houses and the queen's chapels.

p. 276. The 24th, the members of the house had orders to bring in, by such a time, the names of all recusants convict in each county.

p. 280. The 2d of June, was read in the house of commons a bill for disarming all the papists in the kingdom.

Proceedings of the commons concerning the money given by the papists for the war with Scotland. Rushworth, tom. iv. p. 158, 160, 169. In January last, the commons had begun to take into consideration the contribution raised among the Roman catholics, for carrying on the late war against the Scots, at the instance of the queen, who wrote a circular letter to exhort them to it. Walter Montague and sir Kenelm Digby (who had writ on the same occasion to some of the principal of the popish party) were sent for and examined, and the commons seemed resolved vigorously to push this affair. But the queen found means to appease them by a message, wherein she said that she was moved to raise money in that manner for the king's assistance merely out of her tender affection to him; and if it were illegal, she was ignorant of the law, but promised to be more cautious for the future: she said moreover, that understanding the having one sent to her from the pope was distastful to the kingdom, she was desirous to give the parliament satisfaction, and in convenient time would remove him. This convenient time was not yet come in June following, when the nuntio Rosetti was still with the queen. But at last, the commons having ordered him to be brought to the bar of their house to be examined, he hid himself, and on the morrow departed for Rome. Montague, Winter, and sir Kenelm withdrew into France.

The queen's message to the commons. p. 169. Feb. 5. Nalson, tom. i. p. 747. Diurn Occ. Rushworth, tom. iv. p. 390.

The queen's confessor is accused. Rushworth, tom. iv. p. 300, etc. Diurn. Occ. Father Philips, the queen's confessor, was also examined by the commons, who afterwards brought an accusation against him to the lords, and against the superior of the Capuchins belonging to the queen. Probably this accusation was only to frighten and oblige them to retire.

These are all the material transactions concerning the catholics before the king's journey to Scotland, which will be mentioned

[a] March 16, both houses agreed to petition the king to remove the papists from court. Ibid. p. 211.

ed with arms and well paid and provided for. Rushworth, tom. iv. p. 133.

mentioned hereafter. It is time to return to the Scotch army, which we left at Newcaſtle. Charles I. 1640-1.

The king had flattered himſelf that the parliament would eſpouſe his cauſe againſt Scotland, and furniſh him with means to drive the Scots out of the kingdom. This was the firſt, or rather the only thing he recommended in his firſt ſpeech to both houſes. But to perceive how vain this hope was, it needs only to conſidered that the leading men of the party againſt the king were the perſons that encouraged the Scots to enter England, and that this party was ſo ſuperior in the parliament, that but few of the king's friends durſt open their mouth to ſupport his intereſt. It was this Scotch invaſion that compelled the king to call a parliament, and enabled the parliament to break all the king's meaſures and oblige him to ſuffer the redreſs of grievances. In a word, it was ſolely by means of the Scots that the parliament had it in their power to reſtore the government to its antient and natural ſtate: they would therefore have acted againſt their own intereſt, and directly contrary to the end they propoſed, if they had ſupplied the king with means to drive the Scots out of the kingdom. Accordingly they took not one ſtep tending to that end. On the contrary, it evidently appeared, that they conſidered the Scots as brethren, who, having the ſame intereſt as the Engliſh, were come to aſſiſt them and act in concert with them. Affairs with the Scots.

The 9th of November, ſix days after the opening of the parliament, ſir William Widdrington, knight of the ſhire for Northumberland, ſpeaking concerning the matter of a petition, preſented by that county, on account of the oppreſſions they laboured under from the Scotch army, called the Scots invading rebels: the houſe was ſo offended at the expreſſion, that Widdrington eſcaped impriſonment only by recanting, and promiſing to call them rebels no more. Nothing was more capable to ſhow the king how averſe the commons were from aiding him againſt the Scots. But this was not the only mark they gave of their intention: in the firſt place, they thought proper to give the Scots the ſum of three hundred thouſand pounds, in reward for their brotherly aſſiſtance to England. In the ſecond place, they found means to prolong the negotiation of peace till the 7th of Auguſt 1641, that is, till almoſt all the grievances were redreſſed, the triennial bill paſſed, and another, that the parliament ſhould not be diſſolved but by an act for that purpoſe. All this was very remote from the hopes the king had flattered himſelf with, that he ſhould have a ſufficient ſupply to compel the Scots to return home.

Ruſhworth tom. iv. p. 166, 169. Nalſon, tom. i. p. 747. Whitelock, p. 40. Diurn. Occ.

Charles I. 1640-1.

home. As the troubles of Scotland were the fountain and origin of all that paſſed in this parliament, I am perſuaded the reader will not take it ill to ſee here a brief account of the negotiation of peace between the king and the Scots, and between Scotland and England. What follows is the ſubſtance of the earl of Briſtol's ſpeech to both houſes, when he was choſen by the lords commiſſioners, to give them an account of what had paſſed hitherto in that affair.

The earl of Briſtol's relation of his negotiation with the Scots. Ruſhworth, tom. iv. p. 46.

"The commiſſioners employed by his majeſty intend not "to look further back into the buſineſs, than the acts of their "own employments; they intend to give no account of the "pacification interrupted, nor war renewed; no account "how the armies in England, Ireland, and by ſea were "deſigned; they purpoſe not to lay fault upon any man, "nor to enquire into the cauſe why the Scots (as they pre- "tended from neceſſity) were drawn to enter this kingdom; "nor why the king's army, when ſervice was to be done, "was out of the way; but that thoſe through whoſe hands "theſe have paſſed, may hereafter give their own ac- "count.

"His majeſty having called his great council at York, "made to them two propoſitions: the firſt was, how his ar- "my ſhould be relieved and maintained? To this the lords "reſolved to engage themſelves, and to ſend deputies to Lon- "don to negotiate a ſupply. The ſecond propoſition was, "that after the Scots had paſſed Northumberland, taken "Newcaſtle, and poſſeſſed the biſhopric of Dureſm, they "ſent a petition to his majeſty, which contained in general "terms a deſire to have their grievances taken into conſidera- "tion. Upon receipt of his majeſty's anſwer, the Scotiſh "lords ſent his majeſty a ſecond petition, in which they "made their particular demands, and declared, that accord- "ing to his majeſty's command they would advance no fur- "ther into England. So his majeſty aſked the lords what "anſwer ſhould be made to that petitionary letter? The "lords replied, that it was impoſſible for them to give any "well-grounded advice, unleſs the true ſtate of his affairs, "and the condition of his army were laid before them. "Whereupon his majeſty commanded the earl of Traquair "to make the narration of the Scotiſh buſineſs, and their "late acts of parliament, and the [earl of Strafford] lord "lieutenant-general to give an account in what condition the "army ſtood.

"The Scots army had paſſed Northumberland without re- "ſiſtance. They had diſputed the paſſage of the river Tyne

"at

" at Newburn, where the Engliſh horſe retired in diſorder. Charles I.
" His majeſty's foot army, conſiſting of twelve or fourteen 1640-1.
" thouſand men, in Newcaſtle, likewiſe retired to York,
" whereby the town of Newcaſtle, a place of great conſidera-
" tion, was fallen into the Scots hands, and the biſhopric
" of Dureſm brought under contribution.

" In this ſtate the gentry of the biſhoprie repaired to his
" majeſty, from whom they were referred to the earl of Straf-
" ford, who gave them this anſwer poſitively, that they could
" look for no help nor protection from the king, and there-
" fore they might uſe the beſt means they could to preſerve
" their lives and eſtates. Whereby they were forced to conſent
" to a very heavy contribution, though ſuch without which
" the Scotiſh army could not ſubſiſt. This contribution was
" eight hundred and fifty pounds a day for the biſhopric of
" Durham, Northumberland, and Newcaſtle. Theſe gen-
" tlemen much lamented their eſtates, that the Scots ſhould
" be irritated by being proclaimed traitors.

" The Scots on the other hand repreſented to the king's
" commiſſioners, that being threatened with an army of thir-
" ty or forty thouſand men, another of ten thouſand out of
" Ireland, and by proclamation declared traitors and rebels;
" and having heard of another army providing, of eight or
" ten thouſand by ſhipping to hinder their trade, at leaſt their
" commerce with England, that they were drawn together
" by neceſſity, as they pretended, of defence. They further
" alledged, that it was a common diſcourſe, of which they
" had ſeen papers that they ſhould be reduced into a province,
" which would be but one ſummer's work. Therefore they
" had drawn their power together, and being aſſembled, and
" their country poor; taking advantage of the time, while
" all thoſe armies that ſhould oppoſe them were out of the
" way, they were forced to enter into England.

" Thus the great council of the lords found that the Scots
" had increaſed their confines near fourſcore miles in England,
" and had paſſed the rivers of Tweed and Tyne; and that
" the river of Tees, the boundary of Yorkſhire, was not to
" be defended, being fordable in many places by forty horſe
" a front. That if the Scots ſhould paſs that river, there
" was no poſſibility to hinder them from coming to York,
" without hazarding a battle, which the earl of Strafford de-
" clared unto them he would not adviſe, becauſe the king's
" army conſiſted of troops that were untrained and unuſed to
" arms.

Charles I. 1640-1.

"This being the caſe, the lords adviſed his majeſty that "the Scots and their grievances might be heard. And "whereas their complaint had been, that their petitions to "his majeſty had been conveyed by conduits of an evil reliſh, "that there might be choſen ſuch lords commiſſioners, of "whoſe integrity they could not doubt. The king was pleaſ-"ed to refer the choice of theſe commiſſioners to the great "council: and to them power was given, under the great "ſeal of England, to hear whatſoever the Scots could lay "before them, and to enter into treaty with them."

"When this was propoſed to the Scots commiſſioners, "they repreſented, that the countries where they lay were "become poor; that they could not think, as their affairs "ſtood, of returning home; that his majeſty had reſtrained "them from paſſing further into England; ſo that a treaty "in this exigent was worſe than a war, unleſs means might "be thought upon how they might ſubſiſt while the treaty "was on foot, otherwiſe they ſhould be obliged to plunder "the country.

"The commiſſioners having diſpatched ſome of their com-"pany to acquaint his majeſty with the Scots demands, a com-"miſſion was given them by the king to treat with the Scots "for a maintenance, and the commiſſioners thought, that in-"ſtead of giving them any allowance, they ſhould be left to "their proportion of that contribution of eight hundred and "fifty pounds a day, already agreed upon by the counties, "as leſs diſhonourable than to aſſign them maintenance. "Accordingly the preliminaries were agreed upon; the trea-"ty of ceſſation concluded, and the commiſſioners adviſed "his majeſty to ratify it, which was accordingly done. "The parliament approaching, their lordſhips adviſed his "majeſty to tranſfer the treaty from Rippon to London, to "which his majeſty conſented.

"To excuſe the preliminaries agreed on at Rippon, the "earl of Briſtol added, that it was indeed hard to pay "the Scots a contribution of eight hundred and fifty pounds "a day, and that there was already ſome doubt that the "countries were not able to bear it: but that on the other "ſide it was objected by the Scots, that it was impoſſible, if "the payment ſhould fail, to keep their promiſe, or to obey "his majeſty; but that they ſhould be neceſſitated againſt "their will to plunder the country. For which reaſons the "earl of Strafford had declared that the counties of Cum-"berland and Weſtmoreland being under the Scots power, "it was reaſonable that in ſubſidium they ſhould contribute

"ſome

" ſome help to their neighbours: but he added, that the Charles I.
" commiſſioners left at Dureſm had written, that it was im- 1640-1.
" poſſible for them to proceed in the agreement; which if it
" were broken on their part, the Scots would alledge an
" impoſſibility to conſent to ſtarve; ſo that if ſome means
" were not found, by which thoſe counties engaged might
" be relieved, he was afraid all their labour and treaty would
" come to nothing. Therefore the commiſſioners, and all
" the lords, engaged themſelves faithfully and truly, to de-
" clare all theſe things to the parliament.

" The earl of Briſtol declared further, that it was far
" from the lord-commiſſioners purpoſe to move any ſupply of
" money from the houſe of commons, but to lay the cauſe
" before them. Averring certainly, that if ſome courſe were
" not taken, the whole kingdom would be put into diſorder.
" Armies would not ſtarve; retiring was not yet in the
" thoughts of the Scots; therefore they muſt plunder and
" deſtroy, or advance into Yorkſhire, and ſo farther into
" England, to ſeek ſubſiſtance; the prevention whereof did
" highly import the king and kingdom.

" Laſtly, the earl propoſed to the parliament another
" thing, no leſs worthy of conſideration, viz. that if the
" Scots army were provided of a competency, it were very
" ſtrange there ſhould not an equal care be had for maintain-
" ing the king's army. He ſaid the Scots army was ſtrong
" and powerful, and little other reſiſtance againſt it but the
" impediments of an army marching in winter; but whether
" it were fit for a kingdom to be truſted to accidents of froſts,
" with a people bred in Swedeland[t], and cold countries, be
" left to their diſcretion. He confeſſed, that the Scots had
" made great proteſtations, and with great execrations averred
" that they had no intent to advance forward, but return
" when they ſhall have received ſatisfaction: yet the commiſ-
" ſioners did not conceive that the kingdom ſhould rely up-
" on promiſes and proteſtations. Many accidents might hap-
" pen, when a nation come from a far country to a better,
" ſhould be told the buſineſs they came about was juſt, and
" their quarrel good; who finding themſelves in a fat paſture,
" may pick quarrels with their leaders, if they ſhould go
" about to prevent them. Upon theſe grounds his lordſhip
" preſented to the general conſideration, the ſupply of his
" majeſty's army, that it be not diſbanded; which if it ſhould

[t] This alludes to the ſix thouſand Scots ſent by king Charles to the king of Sweden, under the command of the marquis of Hamilton. Theſe troops ſerved in Germany and never in Sweden. Rapin.

" come

Charles I. 1640-1. "come to paſs, Yorkſhire, and other parts of England, were "left to the Scots diſcretion. His lordſhip ſaid, he durſt "not ſay the Scots would not come forward, but that it was "in their power if they would; and therefore he recom- "mended this repreſentation to the whole body of the king- "dom, to prevent future dangers."

There was no occaſion to uſe many arguments to induce the parliament to allow that the Scotiſh army ſhould be maintained in England. Upon the earl of Briſtol's report, it was reſolved, "that the commons approve of the perſons of "the lords that were commiſſioners in the late treaty, to be "commiſſioners now to treat with the Scots commiſſioners in "this declaration, that no concluſion of theirs ſhould bind "the commons, without their conſent in parliament." Tho' the Scotch army was very expenſive in England, the negotiation however laſted till the 7th of Auguſt 1641, when the treaty was at length ſigned. I ſhall inſert here a ſummary of the articles, that it may be ſeen, firſt, wherein conſiſted the differences between the king and the Scots, and the difficulties of the peace; and ſecondly, what the king's grand project came to, of reducing the kirk of Scotland to a perfect conformity with the church of England, and perhaps of rendering himſelf abſolute in Scotland, as he was almoſt in England, when he formed this enterprize.

Rushworth, iv. p. 51.

The ſubſtance of the treaty concluded between England and Scotland, the 7th day of Auguſt 1641.

Treaty with Scotland. Rushworth, iv. p. 362, &c.

"FIRST, the Scots declare, that by their treating with "the Engliſh parliament, they do not acknowledge any "dependence of Scotland upon England, &c.

1. The Scots firſt demand.

"That his majeſty would be graciouſly pleaſed to com- "mand that the acts of the late parliament of Scotland, may "be publiſhed in his majeſty's name, with conſent of the "eſtates of parliament convened by his majeſty's authority, "the 2d of June 1640.

Anſwer. "His majeſty doth in the word of a king, pro- "miſe the publiſhing of the ſaid acts, with the acts to be "made in the next ſeſſion of the ſame parliament; and "that all the ſaid acts have in all time coming the ſtrength "of laws, &c.

2d Demand.

2d Demand. " That the caſtle of Edinburgh, and other Charles I.
" ſtrengths of the kingdom ſhould be furniſhed, and uſed for 1640-1.
" defence and ſecurity of the kingdom.

Anſwer. " Agreed unto.

3d Demand. " That Scotiſh men within his majeſty's do-
" minions of England and Ireland, may be freed from cenſure
" for ſubſcribing the covenant, and be no more preſſed with
" oaths and ſubſcriptions, unwarranted by their laws, and
" contrary to their national oath and covenant approved by
" his majeſty.

Anſwer. " Granted with regard to the ſubjects of Scotland,
" who ſhall be ſojourners only in England or Ireland. But
" ſuch ſhall be excepted as are ſettled inhabitants in either of
" the two kingdoms. The Engliſh and Iriſh ſhall have the
" like privilege in Scotland.

4th Demand. " That whoſoever ſhall be found, upon trial
" and examination, by the eſtates of either of the two par-
" liaments, to have been the authors and cauſers of the late
" and preſent troubles and cumbuſtion; whether by labour-
" ing to make and foment diviſion betwixt the king and his
" people, or betwixt the two nations, or any other way,
" ſhall be liable to the cenſure and ſentence of the ſaid par-
" liaments reſpectively, the Engliſh to the parliament of Eng-
" land, and the Scots to that of Scotland.

Anſwer. " His majeſty believeth he hath none ſuch, as
" incendiaries, about him; and therefore he can make no
" other declaration, than that all his courts of juſtice are
" free and open to all men. His parliament in this king-
" dom [of England] is now ſitting, and the current parlia-
" ment of Scotland near approaching the time of their meet-
" ing. To either of which, he doth not prohibit any of his
" ſubjects to preſent their juſt grievances and complaints, of
" whatſoever nature.

" And whereas it was further demanded, that his majeſty
" would be pleaſed not to employ any perſon or perſons in
" office or place, that ſhall be judged incapable by ſentence
" of parliament, his majeſty agreeth thereto; nor will he
" make uſe of their ſervice, without the conſent of parlia-
" ment, nor grant them acceſs to his perſon.

5th Demand. " That their ſhips and goods, and all da-
" mage thereof may be reſtored.

Anſwer. " This is condeſcended unto, on condition it be
" reciprocal. And the Scotiſh commiſſioners having inform-
" ed, that about fourſcore ſhips of Scotland are yet ſtayed
" in the Engliſh ports, and are like to ſuffer much further

" loſs

Charles I. 1640-1.

" loſs and damage; it is agreed, that warrants ſhall be pre-
" ſently granted for the delivery of them, and that four thou-
" ſand pounds be preſently advanced, for helping the preſent
" ſetting forth of the ſaid ſhips.

6th Demand. " That for the loſſes which the kingdom of
" Scotland hath ſuſtained, and for the vaſt charges they have
" been put unto, reparation be made.

Anſwer. " The parliament of England grants to the Scots
" for this purpoſe, the ſum of three hundred thouſand pounds.

" And whereas it was deſired by the Scotiſh commiſſion-
" ers, that the Engliſh commiſſioners would let them know
" the ſecurity, manner, and term of payment of the afore-
" ſaid ſum, and of the arrears due for relief of the northern
" counties; it was agreed by order of parliament, that they
" ſhould have fourſcore thouſand pounds, with the whole ar-
" rears due to the army, before the diſbanding thereof. And
" for paying the remnant of the ſaid ſum, an act of parlia-
" ment of public faith ſhall paſs for ſecurity thereof; and
" that one moiety ſhall be paid at Midſummer 1642, and the
" other moiety a year after, in 1643.

" And in like manner, whereas it was deſired by the Scotiſh
" commiſſioners, that they might know to whom they ſhould
" addreſs themſelves for payment of the forementioned ſums,
" the parliament hath appointed commiſſioners—and reſolved
" that the place of payment ſhall be the chamber of Lon-
" don. And laſtly, that a ſafe conduct ſhall be granted for
" the ſecure tranſporting of the monies to Scotland.

7th Demand. " That all ſuch declarations, proclamations,
" books, libels, &c. as have been made againſt the ſubjects
" of Scotland, may be ſuppreſſed and deſtroyed.

Anſwer. " It is agreed, that all ſuch declarations, &c. be
" reciprocally ſuppreſſed in England, Ireland, and Scotland.

## 8th Demand.

### Containing ſeveral articles.

" 1. That all tokens and ſhews of hoſtility upon the bor-
" ders of the two kingdoms may be taken away; and parti-
" cularly, that not only the garriſons of Berwick and Car-
" liſle may be removed[n], but that the works may be ſlighted,
" and the places diſmantled ".

[n] This clauſe was uſually inſerted in treaties between England and Scotland, that neither of the two nations ſhould take poſſeſſion of Berwick or Carliſle. Rapin.

Anſwer.

Anſwer. "His majeſty is deſirous, that all things between Charles I.
"the kingdoms of England and Scotland, be reduced into 1640-1.
"the ſame ſtate they were in before the beginning of the
"late troubles.

"2. That there be unity in religion, and uniformity of "church-government between the two nations.

Anſwer. "His majeſty, with the advice of both houſes of "parliament, doth approve of the affection of his ſubjects of "Scotland, in their deſire of having a conformity of church-"government between the two nations; and as the parlia-"ment hath already taken into conſideration the reformation "of church-government, ſo they will proceed in due time, "as ſhall beſt conduce to the glory of God, the peace of the "the church, and of both kingdoms.

"3. That the king's majeſty and the prince come and "reſide ſometimes in Scotland.

Anſwer. "His majeſty will repair thither, as he ſhall find "the urgency of their affairs require his preſence, and his "other conveniencies here permit.

"4. That the officers of ſtate, counſellors and ſeſſioners "within the kingdom of Scotland, be placed by advice of "parliament.

Anſwer. "His majeſty promiſes to give ear ſo far to the "informations of his parliament, and when the parliament "is not ſitting, of his council and college of juſtice, as that "he ſhall neither make choice of ſuch as they ſhall recom-"mend unto him; or if he thinks another perſon fitter than "any of thoſe recommended, he ſhall make the ſame known "to the parliament, or in the time between parliament, to the "council and ſeſſion, that if there is juſt exception againſt "the life and qualifications of the ſaid party, he may timely "nominate ſome other, againſt whom there ſhall be no juſt "exception. His majeſty declares alſo, that the places in the "college of juſtice, ſhall be provided unto the judges, Quamdiu "ſe bene geſſerint. If this anſwer cannot content the Scotiſh "commiſſioners, his majeſty remits the whole anſwer to be "conſidered by him, or his commiſſioners, at the parliament, "at the next ſitting thereof.

"5. That his majeſty would be pleaſed to place about his "own perſon, in places of greateſt nearneſs and truſt, ſome "of his Scotiſh ſubjects.

Anſwer. "His majeſty ſhall continue the ſame care which "hitherto he hath done for their ſatisfaction in this particu-"lar; and not only ſo, but ſhall alſo recommend the ſame to "the prince his ſon.

Charles I. 1640-1.

" 6. That none may have place about his majeſty and the " prince, but ſuch as are of the reformed religion.

Anſwer. " His majeſty doth conceive, that his ſubjects of " Scotland have no intention by this propoſition (eſpecially " by way of demand) to limit, or preſcribe unto him the " choice of his ſervants, but rather to ſhew their zeal to re- " ligion; wherein his own piety will make him do therein, " that which may give juſt ſatisfaction to his people.

" 7. That the copper-coin, which hath paſſed in Scotland " this long time, for ſeven times, and above as much as the " true value and worth thereof, be newly regulated; and " that no copper-money be coined hereafter without conſent " of the eſtates convened in parliament.

Anſwer. " His majeſty recommends this matter to the en- " ſuing parliament of Scotland, not only concerning the cop- " per-coin to be coined hereafter, but alſo the copper-money " already coined, how the ſame ſhall paſs in payment for the " time to come."

Ruſhworth, iv. p. 370.

After theſe articles, there was added to the treaty, the draught of an act of oblivion, the moſt ample that could be, which was to paſs in all the parliaments of the three kingdoms, but of which the benefit was not to extend to the Scotiſh prelates, the earl of Traquair, ſir Robert Spotiſwood, ſir John Hay, and Mr. Walter Balcanqual.

Id. p. 373.

The lord Lowdon having carried this treaty to Scotland, to communicate it to the parliament of that kingdom, now aſſembled, returned ſome time after with twelve articles, explaining certain paſſages of the treaty, and to which the Engliſh commiſſioners returned anſwers that were approved. Theſe articles with the anſwers were added to the treaty. In fine, the treaty was confirmed and ratified by an act of parliament inſerted at the end, to this effect:

p. 374.

" Be it therefore enacted by his majeſty, with the aſſent " of the lords and the commons in this preſent parliament " aſſembled, that the ſaid treaty, and all the articles thereof " aſſented to, as aforeſaid, be and ſtand for ever ratified and " eſtabliſhed, and have the force, vigour, ſtrength, and autho- " rity of a law, ſtatute, and act of parliament.

(The ſame thing for Scotland.)

" And his majeſty for himſelf, and his ſucceſſors, doth pro- " miſe in verbo Principis, never to come in the contrair of " this ſtatute and ſanction, or any thing therein contained; " but to hold the ſame in all points firm and ſtable, and ſhall " cauſe it to be truly obſerved by all his majeſty's leiges, ac-

" cording to the tenor and intent thereof, for now and ever. Charles I.
" Like as the parliament of both kingdoms give full aſſurance, 1640-1.
" and do make public faith in the name of both kingdoms
" reſpectively, for the true and faithful obſervance of this
" treaty, and whole articles thereof inviolably, hinc inde, in
" all times to come."

As afterwards the king thought he had reaſon to complain, that the Scots had violated the treaty in two of the principal articles, I imagine the reader will be glad to ſee the two articles at large, on which the complaint was grounded. They are contained in the act of oblivion in theſe words:

A particular clauſe concerning the war between the two kingdoms. Id. p. 371.

" It is agreed, that an act be paſſed in the parliament of
" England, that the kingdoms of England or Ireland ſhall
" not denounce nor make war upon the kingdom of Scot-
" land, without conſent of the parliament of England: as,
" on the other part, it ſhall be enacted there, that the king
" dom of Scotland ſhall not denounce nor make war againſt
" the kingdom of England, or Ireland, without conſent of the
" parliament of Scotland.

" And in caſe any of the ſubjects of any of the kingdoms
" ſhall riſe in arms, or make war againſt any of the king-
" doms and ſubjects thereof, without conſent of the parlia-
" ment of that kingdom whereof they are ſubjects, or upon
" which they do depend, that they ſhall be held, reputed,
" and demeaned as traitors to the ſtates whereof they are
" ſubjects."

It happened afterwards, that the king and the parliament making war upon each other, the Scots ſent an army to the aſſiſtance of the parliament againſt the king, from whence he inferred, that to make war againſt him, was to make war againſt England. The Scots on the contrary pretended, that very far from making war againſt England, they ſent their troops thither on purpoſe to aſſiſt that kingdom. It is eaſy to perceive, that from the diverſity of the principles, proceeds the diverſity of the conſequences.

The king grants the Scots all they demand. Ruſhworth, iv. p. 375, 383. Nalſon, t. ii. p. 439, &c.

To finiſh in a word what relates to Scotland, I ſhall only ſay, that the king went thither in Auguſt 1641, ſtayed there till the 19th of November, aſſiſted in perſon at the parliament, and gave the royal aſſent to all the acts preſented to him. To this came the projects he had formed with regard to Scotland from the beginning of his reign [w].

w May 2, was ſolemnized at Whitehall the marriage, between William prince of Orange, and the lady Mary, king Charles's eldeſt daughter. Ruſhworth, tom. iv. p. 240.

What

Charles I. 1640-1.

What has hitherto been ſaid of the parliament's behaviour to the king, is ſufficient to ſhow, how ſenſible the king muſt have been of the mortifications he daily received. He had paſſionately deſired to be revenged of the Scots, or at leaſt to drive them out of the kingdom; and he ſaw that the parliament made them a preſent of three hundred thouſand pounds, to reward them for their coming. He hated the preſbyterians, and would have been glad to have had it in his power to root out preſbyterianiſm: but he ſaw, that on the contrary, the houſe of commons openly took their part, and laboured to deſtroy epiſcopacy. His two principal miniſters in whom he moſt confided, were in the Tower, and he eaſily perceived the commons intended not to ſtop there, ſince with regard to the earl of Strafford, they were daily ſeeking means to make good their charge. Two other of his miniſters had been forced to fly, and the appearing to be ſtill well affected to him, was ſufficient to render any perſon the object of the perſecution of the commons.

He reſents the mortifications given him in England.

It has already been ſeen after what manner the king governed for fifteen years, and the reader muſt be convinced, that he intended to alter the government, and procure for himſelf and ſucceſſors a power much more extenſive than what was allowed him by the laws, and to which none of his predeceſſors, except Richard II. had ever pretended. I except not even Henry VIII. the moſt abſolute of all the kings of England ſince William the Conqueror. But there was this difference between Henry VIII. and Charles I. Henry did whatever he pleaſed by way of parliament; whereas Charles pretended to rule without parliaments, looking upon them as little neceſſary to the conſtitution of the government. Since the meeting of this parliament, ſcarce a day had paſſed, but the commons attacked the king's project, by declaring illegal, what he had done during fifteen years, or by rigorouſly proſecuting the inſtruments he had uſed to execute his deſigns. It is therefore eaſy to ſee, how much all theſe mortifications muſt have touched the king, and with what impatience he bore the haughty manner in which the parliament acted with him. Nothing was more contrary to his inflexible temper, than to be forced to ſtoop to a houſe of commons, for whom he had before ſhown the utmoſt contempt. It is therefore no wonder, that in this ſituation, he ſhould think of ſome way to free himſelf from reſtraint. But a ſlight attempt to compaſs his end, ſerved only to throw him into irretrievable ruin.

Difference between Charles I. and Henry VIII.

I mean

I mean the project of gaining the army, and causing them to declare for the king. The king approved of the project, without perceiving the consequences, having no minister about him that had either the inclination or ability to give him good counsel. I am sensible this is a place of dangerous rocks, on which a historian can very hardly escape splitting. The plot to gain the army, is by some looked upon as a chimera, a mere fiction, to render the king odious. But on the other hand, the parliament considered it as a real conspiracy, and pretended to draw from thence an evident proof, that the king's compliance with respect to the redress of grievances, was all dissimulation, in expectation of an opportunity to restore himself by force to the state he was in before this parliament. This bred in the parliament an invincible distrust of the king, and a resolution to put it out of his power to break his word, and the means they used to execute the resolutions occasioned the civil wars, of which I shall speak hereafter. It is therefore absolutely necessary to examine this conspiracy, in order to know, whether it was real or invented; for from hence flow all the ensuing proceedings of the king and parliament, and upon this it is that the judicious and disinterested reader may blame the one or the other. But before I proceed to the plot, it will be requisite to say something of the earl of Strafford's affair, with which this has some connexion.

Charles I. 1640-1.

Plot to get the army to declare for the king; Clarendon, t. i. p. 191, &c. 210. Nalson, t. ii. p. 271. Manchester's Mem. Warwick.

which had an ill effect for him.

Necessity of examining the reality of this plot.

Its connexion with the earl of Strafords affair.

The earl had been impeached by the commons the 11th of November 1640; but his process could not be ready to be tried till the 22d of March 1640-1. The trial lasted till the 12th of April, and then the commons, who had been always present, perceiving, doubtless, that the sentence would not be so rigorous as they wished, resolved to proceed against the earl by bill of attainder. They voted therefore, on the 16th and 19th of April, that it was sufficiently proved, that the earl of Strafford had endeavoured to subvert the fundamental laws of the kingdom, and introduce an arbitrary and tyranical government into the realms of England and Ireland, and that this was high-treason. On the 21st of the same moth, the bill of attainder passed, with the majority of 204 against 59.

Bill of attainder against the earl of Strafford passes the house of commons. Rushworth, iv. p. 224. Clarendon, t. i. p. 178.

Rushworth, iv. p. 225.

1641.

The bill met with so great opposition in the house of peers, that it was very doubtful whether it would pass, or be thrown out. For which reason, on the 24th was presented to both houses a petition, subscribed by above forty * thousand inhabitants of London, setting forth the causes of their suspicions

Petition against the earl. Rushworth, iv. p. 233.

* Rushworth says, twenty twousand, said to be of good rank and quality, subscribed this petition. Tom. iv. p. 234.

Charles I. 1641.

picions and fears. And amongſt others, that juſtice was not yet executed upon the earl of Strafford, and that there was reaſon to dread ſome ſecret plot againſt the parliament. The

p. 238. 28th of April, the commons ſent by Mr. Hyde a meſſage to the lords, that they had received information, that the earl of Strafford had a deſign to make an eſcape out of the Tower: That the guard about him was weak, and therefore they deſired he might be cloſe priſoner, and his guards ſtrengthned,

p. 239. to which the lords conſented. The 1ſt of May the king came to the parliament, and in a ſpeech to both houſes, ſaid

The king's ſpeech to the lords. to this effect:—"That having been preſent at the trial of "the earl of Strafford, he could not in conſcience condemn "him of high-treaſon, though he thought him guilty of miſ- "demeanors. Therefore he deſired the lords to find ſome "way to bring him out of this great ſtreight."

The rabble get together at Weſtminſter. p. 248. Diern. Occurr.

The commons were much troubled and diſcontented with this ſpeech, and immediately adjourned till May the 3d, on which day great multitudes of people † repairing to Weſtminſter, inſulted and threatned the lords, as they were going to their houſe, crying out, Juſtice, Juſtice.

Pym diſcovers to the houſe of commons a plot to ſeduce the army. Ruſhworth, iv. p. 240. Clarendon, t. i. p. 196.

The ſame day Mr. Pym made known to the houſe, "That there were divers informations given of deſperate de- "ſigns both at home and abroad, againſt the parliament, and "the peace of the nation; and that the perſons engaged "therein were under an oath of ſecrecy; That there was an "endeavour to diſaffect the army, not only againſt the par- "liament's proceedings, but to bring them up againſt the "parliament to over-awe them: That there was alſo a de- "ſign upon the Tower; and endeavours uſed for the earl of "Strafford to eſcape: That theſe combinations at home, had "a correſpondency with practices abroad; and that the French "were drawing down their forces amain to the ſea-ſide; and "there was a cauſe to fear, their intent was upon Portſ- "mouth: That divers perſons of eminency about the queen "were deeply engaged in theſe plots: That it was neceſſary "that the ports ſhould be ſtopped; and his majeſty deſired "to command, That no perſon attending upon the king, "queen, or prince, ſhould depart without leave of his ma- "jeſty, with the humble advice of his parliament."

Whereupon the houſe fell into a ſerious debate of this matter, and were generally of opinion, that it was neceſſary

† A rabble of about ſix thouſand of the city, with ſwords, cudgels, and ſtaves, pretending decay of trade, and want of bread. Whitelock, p. 45.

to

to enter into a common reſolution for the ſafety of the kingdom. Charles I. 1641.

When it is conſidered in what juncture this conſpiracy was diſcovered to the houſe, though Mr. Pym was informed of it long before; that it was at a time, when the peers were, in ſome meaſure, to be compelled to paſs the bill of attainder againſt the earl of Strafford, and when the rabble were alſo uſing violence for that purpoſe, there ſeems to be ground to ſuſpect, that it was only an artifice to ſtir up the people, and induce the lords to do as the commons deſired from a fear of the imminent danger the kingdom was threatned with. At leaſt, there is reaſon to believe, this conſpiracy was greatly aggravated. But this is only a conjecture, which ought not to be relied on, till the arguments pro and con are examined. However this be, the commons, after a debate, came to a reſolution of taking the following proteſtation. Clarendon, t. i. p. 210, 211.

"I A. B. do in the preſence of Almighty God, promiſe, "vow and proteſt, to maintain and defend, as far as law- "fully I may, with my life, power, and eſtate, the true re- "formed proteſtant religion, expreſſed in the doctrine of the "church of England, againſt all popery and popiſh inno- "vation within this realm, contrary to the ſaid doctrine; and, "according to the duty of my allegiance, I will maintain "and defend his majeſty's royal perſon, honour and eſtate. Proteſtation taken by the houſe of commons. Ruſhworth, iv. p. 741. Clarendon, t. i. p. 198.

"Alſo the power and privilege of parliaments, the lawful "rights and liberties of the ſubjects, and every perſon that "ſhall make this proteſtation, in whatſoever he ſhall do in "the lawful purſuance of the ſame; and to my power, as "far as lawfully I may, I will oppoſe, and by all good ways "and means, endeavour to bring condign puniſhment on all "ſuch, as ſhall by force, practice, counſels, plots, conſpi- "racies, or otherwiſe, do any thing to the contrary, in this "preſent proteſtation contained: And farther, That I ſhall, "in all juſt and honourable ways, endeavour to preſerve the "union and peace betwixt the three kingdoms of England, "Scotland, and Ireland; And neither for hope, fear, or "any other reſpects, ſhall relinquiſh this promiſe, vow, and "proteſtation."

It muſt be obſerved, this proteſtation was taken on Mr. Pym's bare aſſurance of the diſcovery of a plot, and before there was any proof of it. Hence it may be conjectured, that the thing had been determined among the learned men in the houſe. After that, the commons came to ſeveral reſolutions, Remarks on this ſubject. Ruſhworth, iv. p. 24.

Charles I. 1641.

solutions, to provide for the ſafety of the kingdom, and the town of Portſmouth in particular. They communicated to the lords the informations they had received, the votes they had paſſed, and their proteſtation, deſiring that every peer might be ordered to take it.

Petition of the rabble to the lords. Ruſhworth, iv. p. 249.

It was very difficult for the lords to refuſe the commons deſire. In the firſt place, they had inſpired the nation with ſuch a terror, that no man durſt oppoſe their reſolves for fear of being looked upon as having ill-deſigns, and expoſed to inevitable ruin. Secondly, the people ſtill continued to flock to Weſtminſter, and openly threatned the lords. Thirdly, the multitude preſented the ſame day a petition to the lords, demanding juſtice upon the earl of Strafford, and that their lordſhips would pleaſe to free them from the fears of the conſpiracy. Fourthly, on the morrow, being the fourth of May, the people repairing to Weſtminſter in greater numbers than the day before, ſome incendiaries poſted up againſt a wall in the Old Palace-yard, the names of fifty-ſix members, calling them Straffordians, and Betrayers of their country. Laſtly, the ſame day the multitudes preſented to the lords another petition, ſaying, "That they underſtood the Tower was going to receive a garriſon of men, not of the Hamlets, (as uſually) but conſiſting of other perſons under the command of a captain, a great confident of the earl of Straffords, and that this was done to make way for the earl's eſcape."

The Straffordians, p. 257. Clarendon, t. i. p. 183. Heylin's Obſerv. Another petition. Ruſhworth, iv. p. 249.

Upon this petition, the houſe ſent ſix peers to examine ſir William Balfour, lieutenant of the Tower, concerning the truth of the fact. Balfour anſwered, it was true, he had his majeſty's order to receive one hundred men * into the Tower, and captain Billingſly to command them, and to receive only ſuch men as the captain ſhou'd bring to him; but underſtanding now their lordſhips pleaſure, he would receive no other guard into the Tower but the Hamlet men.

Balfour's confeſſion againſt the king.

The lords did farther declare, at a conference with the commons, that they were drawing to a concluſion of the bill of attainder, but were ſo encompaſſed with multitudes of people, that they might be conceived not to be free, and therefore deſired the commons to join with them, to find out

The lords deſire the concurrence of the commons to diſperſe the mob.

* Whitelock ſays, it was two hundred men; and that Balfour confeſſed two thouſand pounds had been offered him, to conſent to the earl's eſcape. He adds, That this deſign was diſcovered by three Women, who hearkened at the key-hole of the earl's door, and heard his diſcourſe with captain Billingſly, p. 46.

ſome

ſome way to ſend the people to their homes. Then they de- Charles I.
bated the proteſtation, paſſed it, and took the ſame. It was 1641.
taken by four hundred and thirty-three commoners, and one
hundred and ſix lords, including the biſhops and judges. The They take the proteſtation. May 5, 6. Ruſhworth, iv. p. 250.
commons having ordered Dr. Burgeſs to acquaint the multitude with the proteſtation taken by both houſes, and that they were deſired to return to their homes, they forthwith departed.

There are therefore two things which manifeſtly appear in this affair. The firſt, that there was a project on foot to favour the earl of Strafford's eſcape, which will be ſeen more clearly hereafter. The ſecond, that the concourſe of the people was privately procured, by ſome of the leading men of the commons, ſince, the day before, the houſe had taken no ſtep towards diſperſing the multitudes, though they were deſired by the lords, and ſince they found means to cauſe the people to retire, as ſoon as they knew the lords had reſolved to take the proteſtation. The people retire. Diurn. Occur.

But the proteſtation was not the only effect of the conſpiracy. The ſame day, the commons ordered a bill to be prepared for the continuance of this preſent parliament, that it might not be diſſolved without the conſent of both houſes. They ordered likewiſe the proteſtation to be tendered to the whole kingdom. Bill for the continuance of the parliament. Ruſhworth, iv. p. 250.

The ſame day, May the 4th, the houſe was informed, that ſix or eight of the conſpirators were fled, of whom Mr. Henry Jermin, and Mr. Henry Percy, members of the houſe, were two, and that they were gone towards Portſmouth. At the ſame time, information came that the queen was preparing to go to the ſame place. Theſe two ſucceſſive informations cauſing ſtrong ſuſpicions, the houſes diſpatched to Portſmouth one lord and two commoners, to propoſe certain queries to the governor, and take care for the ſecurity of the town and haven. They agreed withal, to move the queen to defer her journey to Portſmouth, alledging ſeveral reaſons which were not the true, particularly the ſafety of her majeſty's perſon. They deſired alſo the king to publiſh a proclamation for calling in Jermin, Percy, and other fugitives, which the king promiſed to do. The ſame day, the ſpeaker ſent, by order of the houſe, the following letter to ſir Jacob Aſhly, with a charge to communicate it to the army. Flight of the conſpirators. p. 252. Precaution for Portſmouth. p. 260. p. 348, &c. p. 252. p. 261.

"SIR,

The ſpeaker's letter to the army II. p. 252. Nalſon, t. ii. 228.

"WE have had cauſe to doubt, that ſome ill-affected perſons have endeavoured to make a miſunderſtanding in the army, of the intentions of the parliament towards them. To take away all miſunderſtanding in that kind; the houſe of commons have commanded me to aſſure you, that they have taken the affairs of the army into their ſerious care: And though, for the preſent, their monies have not come in as they wiſhed, and as was due, by reaſon of the many diſtractions, and other impediments which this houſe could no ways avoid: yet they reſt moſt aſſured, that they ſhall not only have their full pay, but the houſe will take their merits into their farther conſideration, in regard they take notice, that notwithſtanding their want, and endavours of thoſe ill-affected perſons, they have not demeaned themſelves otherwiſe than as men of honour, and well-affected to the common-wealth; which this houſe takes in ſo good part, that we have already found out a way to get money for a good part of their pay, and will take the moſt ſpeedy courſe we poſſibly may for the reſt. So I remain,

"Your very loving friend,

"WILLIAM LENTHALL."

Report concerning the plot. Ruſhworth, iv, p. 253.

Mean while, the committee, appointed to inquire into the conſpiracy, made their report in the following manner.

"That this plot conſiſteth of three heads: The firſt was, the deſign upon the Tower. The ſecond, to engage the army. The third, to bring in foreign forces. For the Tower, it appeared to be thus: Captain Billingſly being examined upon oath, confeſſed, that he was acquainted with ſir John Suckling: That the ſaid ſir John lately offered him employment in one of the king's ſhips, then at Portſmouth; afterwards employment for Portugal: That this deponent having notice to meet at the privy-lodgings at Whitehall did there receive orders to get an hundred men to ſerve in the Tower, under him. And if he did fail, he ſhould anſwer it with his life. And afterwards meeting with ſir John Suckling, and acquainting him therewith, he told him he would furniſh him with the ſaid number. Sir William Balfour, lieutenant of the Tower, being examined, ſaid, that he had command to receive

"captain

" captain Billingſly with an hundred men into the Tower, Charles I.
" who ſhould be under his command. That the earl of 1641.
" Strafford at that time expoſtulating with him about his
" eſcape, told him; he would attempt nothing in that kind
" without his privity; and that he ſhould have the king's
" warrant for his indemnity; and that the warrant ſhould
" be to command him to remove the earl of Strafford from
" the Tower to ſome other caſtle; and he would then take
" his opportunity to eſcape; that the lieutenant of the Tower
" not giving any complying anſwer thereunto, the ſaid earl
" ſent again to intreat him to come to him, and would have
" perſuaded him to let him make an eſcape; ſaying, " With-
" out your concurrence it cannot be done; and if you will
" conſent thereunto, I will make you preſent payment of
" twenty-two thouſand pounds, beſides you ſhall have a good
" marriage for your ſon". To which the lieutenant of the
" Tower replied, he was ſo far from concurring therein,
" that he was not to be farther moved in ſuch a thing.
" Thus much the lieutenant of the Tower delivered upon
" his oath.

" Colonel Goring, upon his examination in the houſe of
" commons, did confeſs, that ſir John Suckling was the firſt
" perſon that ever made any overture unto him, concerning
" the army's marching towards London: Afterwards being
" in the queen's lodgings, he met with Mr. H. Percy, which
" was about the beginning, or middle of Lent laſt, and Mr.
" Percy told him, there was a conſultation of officers to be
" had, concerning the good of the army; and deſired him
" to go along with him to his chamber, where the meeting
" was to be. There were preſent at the ſame meeting, com-
" miſſary Wilmot, colonel Aſhburnham, captain Pollard, ſir
" John Berkly, Daniel O Neal, Mr. Jermin, and himſelf:
" That Mr. Percy ſaid, there were propoſitions to be made
" which were of great concernment; and that it was ne-
" ceſſary there ſhould be an oath of ſecrecy taken before any
" thing was propounded: That the oath ſhould be to this
" purpoſe: That we ſhould neither directly nor indirectly
" diſcover any part of the conſultation, nor ever to think
" ourſelves diſſolved from that oath, by any other oath which
" might be impoſed upon us hereafter. Which oath was read
" out of a paper, when it was tendered unto them; and
" thereupon they were ſworn, by laying their hands upon
" the bible; that he and Jermin were ſworn together, for
" the reſt had taken the oath before."

Charles I. 1641.

" Then three propoſitions were made to them, namely:
" As theſe propoſitions are expreſſed in a letter which will
" be ſeen preſently, they are omitted here for brevity's ſake."

" He farther ſaid, that the whole number there met, were
" of opinion, that the army ſhould not march towards Lon-
" don, till a declaration had been firſt ſent up to the parlia-
" ment: That he the ſaid Goring anſwered, it was a nice
" point to interpoſe in the proceeding of the parliament; and
" did propound ſome difficulties to allay the buſineſs, to di-
" vert commiſſary Wilmot, and thoſe other perſons from ſo
" dangerous a buſineſs: And ſaid, that he did think it was
" a deſign of folly to undertake it; for they muſt think the
" Scots would take the advantage upon the army's removal
" ſouthwards, whoſe correſpondency was ſo great with the
" city; and for them to begin to ſhew their teeth, and not
" be able to bite, would argue little prudence; that they
" ſhould either undertake it ſo as to go through with it, or
" let it alone: That he did aſk them what ammunition they
" had to accommodate ſo great an army; and whether they
" could command the ammunition in the Tower: That
" Wilmot, Pollard, and Aſhburnham, then made anſwer,
" they had *no* purpoſe to go to London; for to ſurpriſe the
" Tower, was to conquer the kingdom: That this, amongſt
" other paſſages, was part of the diſcourſe at the firſt meet-
" ing.

" That ſhortly after there was another meeting of the
" ſame perſons, and in the ſame place, in Mr. Percy's
" chamber, where there were propoſitions of another nature,
" deſperate and impious on the one hand, and fooliſh on the
" other; and that he endeavoured by argument to divert
" them, by propounding an impoſſibility to effect the ſame:
" For how could the army, lodged in ſeveral quarters, un-
" paid, and at ſuch a diſtance, march on a ſudden to London,
" and ſurprize what they had in deſign?

" That Mr. Jermin was the perſon that firſt propoſed the
" marching of the army towards London: That for his part
" he declared himſelf abſolutely againſt it. That Mr. Jermin
" replied to him in private, " You do not diſlike the deſign,
" for you are as ready for any wild, mad undertaking, as
" any man I know; but you diſlike the temper of thoſe
" perſons who are engaged in the buſineſs."

" He did farther confeſs, that he propounded that Suck-
" ling might be admitted to the conſultation: But Wilmot,
" Aſhburnham, and Pollard, would not hear of it. And

" they

" they three did then declare themſelves againſt the army's Charles I.
" marching towards London. 1641.

" Then he took occaſion to ſay, that he did aquaint ſome
" members of both houſes, whom he could name, that there
" were ſome of the army whom they did not think ſo well
" of were more faithful and ſerviceable to the parliament
" than they were aware of, which time would produce; and
" named them: And they did accordingly give teſtimony of
" his integrity, ſo far as general terms could diſcover the de-
" ſign. He confeſſed, that Mr. Jermin did make ſome offers
" unto him, to relinquiſh the government of Portſmouth
" upon ſome terms of advance: But he ſaid, he did not con-
" clude any thing, for he would firſt ſee the performance of
" what was offered; ſo had no farther diſcourſe with him
" concerning that buſineſs. But he doth believe that Suckling
" and Jermin did confer together about the deſign. He ſaid,
" they did deſire his opinion about a general; ſome were for
" Eſſex, ſome for Holland; but he, with Mr. Jermin, were
" for Newcaſtle.

" Being again examined upon his oath before the com-
" mittee of lords and commons, and preſſed more particu-
" larly to anſwer queſtions not before propoſed unto him, he
" did confeſs, that meeting with Mr. Jermin in the queen's
" withdrawing chamber, her majeſty came and told him, the
" king would ſpeak with him; and meeting with his ma-
" jeſty, he told him, he was minded to ſet his army in a
" good poſture, being adviſed thereto by the earl of Briſtol
" (as he ſaid) and his majeſty then commanded him to join
" with Mr. Percy, and ſome others in that buſineſs.

" As for the deſigns from beyond the ſeas, the committee
" did make report to the houſe, that it was cleared unto them,
" that Jermin endeavoured to have got the poſſeſſion of
" Portſmouth; that the king of France had drawn down
" great forces to the ſea ſide; that the governor of Calice
" had examined ſome Engliſhmen, whether the earl of
" Strafford's head was cut off? And this was in point of
" time, the firſt of May, according to the Engliſh ſtile, and
" ſir Philip Cartwright, governor of Guernſey, wrote letters
" alſo, which came in great haſte, that he underſtood the
" French had a deſign upon that iſland, or ſome part of
" England. It alſo appeared to the committee, by divers of
" the letters which were opened coming from beyond ſea,
" that they expected the earl of Strafford there; and that
" they hoped the horſe-leeches ſhould be ſtarved for want of
" blood; and in ſome of thoſe letters there was advice to

" the

Charles I. 1641. "the cardinal to beſtir himſelf betimes, to interrupt the heighth of the proceedings here in England. Alſo examinations of ſome prieſts were taken in Lancaſhire, and ſent up to London, which were there taken the third of May, which did teſtify, that the prieſts did ſay, the parliament ſhould be ſuddenly diſſolved: For the army was to march up thither with all ſpeed, and they would be ſeconded by forces out of France; and that Montague did write out of France to Mr. Percy, (which was alſo intercepted) that if he did perform what he had undertaken, he would be made a knight of the garter."

Upon theſe depoſitions, the houſe of commons paſſed the following votes againſt Percy, Jermin, and Suckling:

Votes againſt Percy, etc. Ruſhworth, tom. iv. p. 258. Nalſon, tom. iii. p. 407.

"1. That in the months of March and April laſt, they did conſpire to draw the army together, and employ the ſame againſt the parliament, and by force and dread thereof to compel the parliament to agree to certain propoſitions by them contrived, and to hinder and interrupt the proceedings of the parliament.

"2. That in purſuance of the ſaid deſign, they did endeavour to perſuade divers members of the houſe of commons, and others, being officers of the ſaid army, that is to ſay, Wilmot, Aſhburnham, Berkley, Pollard, and O Neal, that they were diſobliged by the parliament; thereby to incenſe them againſt the parliament; and did hold divers conſultations with the ſaid parties, to effect the ſaid wicked deſign; and to that purpoſe did ſet down in writing certain propoſitions, to the effect as followeth, viz. 1. The preſerving of biſhops in their functions and votes. 2. The not diſbanding of the Iriſh army, until the Scots were diſbanded. 3. And the endeavouring to ſettle the king's revenue to the proportion it was formerly.

"3. That for the more ſecret carriage of this plot, they did adminiſter to the ſaid parties a wicked and unlawful oath, whereby they did ſwear upon the holy evangeliſts, not to reveal any thing that was ſpoken concerning the buſineſs.

"4. That they did propound and endeavour to perſuade the perſons before named, and other officers of the army, to put the ſaid army into a warlike poſture, to bring them up to London, to make themſelves ſure of the Tower, and ſo by force compel the parliament to conform to their will: and they did endeavour to work a belief in the ſaid army, that the king and parliament would diſagree; and that all the French about the city of London would aſſiſt them:

" them: and to the great ſcandal of the king, that the prince and the earl of Newcaſtle were to meet the army at Not- tingham, with a thouſand horſe; that Suckling, to com- paſs the deſign of gaining the Tower, did contrive that an hundred men, under captain Billingſly, ſhould be deſigned for that purpoſe, when the opportunity was offered, to the end the city of London ſhould not be able to make any re- ſiſtance when the ſaid army ſhould come up; and Suck- ling, by the means and plot aforeſaid, did thereby endea- vour that the earl of Strafford, then priſoner in the Tower, might the better compaſs his eſcape." Charles I. 1641.

Beſides the fore-mentioned depoſitions, here is a teſti- mony of one of the chief conſpirators, of which the par- liament made great uſe. It is Percy's letter, after his flight into France, to his brother the earl of Northumber- land.

" WHAT with my own innocency, and the violence I hear is againſt me, I find myſelf much diſtracted. I will not aſk your counſel, becauſe it may bring prejudice upon you; but I will with all faithfulneſs and truth tell you what my part hath been, that at leaſt it may be declar- ed by you, whatſoever becomes of me.

" When there was fifty thouſand pounds ready, deſigned by the parliament for the Engliſh army, there was, as I take it, a ſudden demand by the Scots at the ſame time of twenty-five thouſand pounds, of which there was fifteen thouſand pounds ready; this they preſſed with ſuch neceſ- ſity, as the parliament, after an order made, did think it fit for them to deduct ten thouſand pounds out of the fifty thouſand pounds formerly granted: upon which the ſol- diers in our houſe were much ſcandalized; amongſt which I was one, and ſitting by Wilmot and Aſhburn- ham, Wilmot ſtood up, and told them, that if the Scots could thus procure money, he doubted not but the officers of the Engliſh army might eaſily do the like. But the firſt order was reverſed notwithſtanding, and ten thouſand pounds given to the Scots. This was the cauſe of many diſcourſes of diſlike amongſt us, and came to this purpoſe, that they were diſobliged by the parliament, and not by the king: this being ſaid often to one another, we did re- ſolve, Wilmot, Aſhburnham, Pollard, O Neal, and my- ſelf, to make ſome expreſſions of ſerving the king in all things he would command us, that were honourable for him and us, being likewiſe agreeing to the fundamental

" laws

Mr. Percy's letter to the earl of Northum- berland. Ruſhworth, tom. iv. p. 255. Diurn. Occur. Nalſon, tom. ii. p. 586.

Charles I. 1641. "laws of the kingdom, that ſo far we would live and die "with him: this was agreed upon with us, not having any "communication with others that I am coupled with now "withal: and further, by their joint conſent, I was to tell "his majeſty thus much from them; but withal, I was to "order the matter ſo as the king might apprehend this as a "great ſervice done to him at this time, when his affairs "were in ſo ill a condition, and they were moſt confident "that they would engage the whole army thus far; but "further they would undertake nothing, becauſe they would "neither infringe the liberties of the ſubjects, nor deſtroy "the laws; to which I and every one conſented; and hav-"ing their ſenſe, I drew the heads up in a paper, which "they all approved when I read it; and then we did, by an "oath, promiſe one another to be conſtant and ſecret in all "this, and did all of us take that oath together: then, I "ſaid, Well, ſirs, I muſt now be informed what your par-"ticular deſires are, that ſo I may be the better able to ſerve "you; which they were pleaſed to do; and ſo I did very "faithfully ſerve them therein as far as I could. This is the "truth, and all the truth upon my ſoul, in particular diſ-"courſes.

"After that we did fall upon the petitioning to the king "and parliament for moneys, there being ſo great arrears "due to us, and ſo much delays made in the procuring of "them; but that was never done.

"1. Concerning the biſhops functions and votes.

"2. The not diſbanding of the Iriſh army, until the Scots "were diſbanded too.

"3. The endeavouring to ſettle his majeſty's revenue to "that proportion it was formerly[a].

"And it was reſolved by us all, if the king ſhould require "our aſſiſtance in thoſe things, that as far as we could, we "might contribute thereunto, without breaking the laws of "the kingdom; and in caſe the king ſhould be denied theſe "things being put to them, we would not fly from him: "all theſe perſons did act and concur in this as well as I. "This being all imparted to the king by me from them, I "perceived he had been treated with by others, concerning "ſome things of our army; which agreed not with what "was propoſed by me, but inclined to a way more ſharp and "high, not having limits either of honour or law. I told

[a] The word Formerly is very ambiguous; for it may ſignify either the king's lawful revenues, or thoſe he enjoyed juſt before this parliament. Rapin.

"the

" the king he might be pleaſed to conſider with himſelf, Charles I.
" which way it was fit for him to hearken unto; for us, 1641.
" we were reſolved not to depart from our grounds; we
" ſhould not be diſpleaſed, whoſoever they were, but the
" particular of the deſigns, or the perſons, we deſired not to
" know; though it was no hard matter to gueſs at them.
" In the end, I believe the danger of the one, and the juſtice
" of the other, made the king tell me, he would leave all
" thoughts of other propoſitions but ours, as things not prac-
" ticable: but deſired, notwithſtanding, that Goring and
" Jermin, who were acquainted with the other proceedings,
" ſhould be admitted amongſt us. I told him, I thought
" the other gentry would never conſent to it, but I would
" propoſe it; which I did, and we were all much againſt it:
" but the king did preſs ſo much, as at the laſt it was con-
" ſented unto; and Goring and Jermin came to my cham-
" ber; there I was appointed to tell them, after they had
" ſworn to ſecrecy, what we had propoſed; which I did.
" But before I go into the debate of the way, I muſt tell
" you, Jermin and Goring were very earneſt Suckling ſhould
" be admitted: which we did all decline, and I was deſired
" by all our men to be reſolute in it, which I was, and gave
" many reaſons: whereupon Mr. Goring made anſwer, he
" was engaged with Mr. Suckling his being employed in the
" army; but for his meeting with us, they were contented to
" paſs it by: then we took up again the ways which were
" propoſed; which took great debate, and theirs differed
" from ours in violence and heat; which we all proteſted
" againſt, and parted, diſagreeing totally, yet remitted it to
" be ſpoken of by me and Jermin to the king, which we both
" did; and the king, conſtant to his former reſolutions,
" told him, theſe ways were all vain and fooliſh, and he
" would think of them no more. I omit one thing of Mr.
" Goring, he deſired to know how the chief commanders
" were to be diſpoſed of: for if he had not a condition worthy
" of him, he would not go with us. We made anſwer,
" that nobody thought of that; we intended, if we were
" ſent down, to go all in the ſame capacity we were in.
" He did not like that by any means, and by that did work
" ſo with Mr. Chudleigh, that there was a letter ſent by
" ſome of the commanders to make him lieutenant-general:
" and when he had ordered this at London, and Mr. Chud-
" leigh had his inſtructions, then did he go to Portſmouth,
" pretending to be abſent when this was working: we all
" deſired my lords of Eſſex and Holland; but they ſaid, if
" there

Charles I. 1641. "there were a general, they were for Newcaſtle: they were "pleaſed to give report, that I ſhould be general of the horſe. "But I proteſt, neither to the king, or any elſe, did I ever "ſo much as think of it. My lord of Holland was made ge- "neral, and ſo all things were laid aſide. And this is the "truth, and all the truth I know of theſe proceedings: and "this I will and do proteſt unto you upon my faith. And "Wilmot, Aſhburnham, and O Neal, have at ſeveral times "confeſſed and ſworn, I never ſaid any thing in the buſineſs, "which they did not every one agree unto and juſtify. This "relation I ſent you, rather to inform you of the truth of "the matter, that you may the better know how to do me "good; but I ſhould think myſelf very unhappy to be made "a betrayer of any body. What concerned the Tower, or "any thing elſe, I never meddled withal, nor ever ſpoke with "Goring, but that night before them all; and I ſaid nothing "but what was conſented unto by every party: I never ſpake "one word with Suckling, Carnarvan, Davenant, or any "other creature. Methinks, if my friends and kindred knew "the truth and juſtice of the matter, it were no hard matter "to ſerve me in ſome meaſure [b]."

This letter ſhows plainly there was really a project to gain the army, and engage them to ſerve the king againſt the parliament, and that the king knew and approved the ſame.

Ruſhworth, tom. iv. p. 291. Diurn. Occ. p. 150.

The 16th of June, the committee appointed to examine the affair of the plot to ſeduce the army, made a ſecond report to the houſe, and cauſed ſeveral depoſitions to be read.

The firſt was captain Billingſly's, who confeſſed, that ſir John Suckling had invited him to take upon him the command of the hundred men that were to be ſent to guard the Tower.

The ſecond, Mr. Nutt's, whereby it appeared that the earl of Strafford's eſcape was projected.

The third, lieutenant-colonel Ballard's, who ſaid, that captain Chudleigh brought down to the army many propoſitions; ſome of which were, that colonel Goring ſhould be lieutenant-general, and that the prince and the earl of Newcaſtle would be in Nottinghamſhire with a thouſand horſe, ready to join with the army.

[b] Upon the reading of this letter, commiſſary Wilmot was committed to the Tower, colonel Aſhburnham to the King's Bench, and captain Pollard to the Gate-houſe. Diurn. Occ. p. 138.

The

The fourth was Willis's, who declared, that the French were to favour the enterprize; that the clergy would at their own charge send two thousand horse; and that the prince was to come down to the army. Charles I. 1641.

Draught of the petition of the officers communicated to the king. He approves of it. Clarendon, tom. i. p. 208.

The house was further informed, that the officers who had undertaken to serve the king, had communicated to him the draught of a petition, which was to be directed to the king and parliament from the army: that they hoped to get it subscribed by most of the officers, and that the king, after reading it, had approved of the same, and writ at the bottom these two letters, C. R. in token of his approbation.

These are the grounds whereon was built the reality of the plot, which was extremely injurious to the king, by the distrust it bred in the minds of most of the members of parliament, and of the nation in general. But it must be added, that king Charles's favourers call it a mere chimera, even to this day. For my part, I cannot help saying, that I believe there was some truth in it; but I am of opinion, that the heads of the contrary party to the king, greatly aggravated the circumstances and consequences, in order to cause to pass the more easily the bill of attainder of the earl of Strafford, and the act for the continuance of the parliament, to which the king gave the royal assent the same day, and in this same juncture. And what confirms me the more in this opinion, is, the very arguments themselves alledged by the king's friends to show that it was a fiction to render the king odious: for they cannot help owning there was a project to engage the army to declare for the king. They say only, that the end proposed by the authors of this project, was to hinder the army from being seduced to espouse the interest of the parliament. But first, there appears not the least sign of this pretended sole end, either in the depositions of the witnesses, or in Percy's letter, or in the reports of the committee appointed to examine the affair. Secondly, the king, whom the parliament so often reproached afterwards with this plot, never used that reason to excuse the authors. In the third place, it is not probable, the officers should have any such purpose, since at that time the army was too much displeased with the parliament to offer any ground to fear they should be seduced to declare against the king. The most plausible thing, they say, is that there never was any express design to march the army to London, upon which however the commons chiefly insisted. The denial of this circumstance was what the king solely adhered to, as will hereafter appear. He called God to witness he never knew of any such design.

Reasons to believe the plot real. Ib. p. 208, etc.

But

Charles I. 1641. But he never denied positively his having been informed of a design to engage the army to his side. We must therefore carefully distinguish two things in this conspiracy, namely, the design of gaining the army, which clearly appears; and the design of marching the army to London. It appears by the depositions, that this design was proposed in the assembly of officers, but was not approved. So the king could affirm he knew not of it, because indeed it was never resolved, though he was not ignorant of its having been proposed.

In Percy's letter there is a circumstance which may very much conduce to clear the affair. There were, as he says, two sets of people, who formed at the same time a design to engage the army for the king, without having communicated their thoughts to one another. The first were Percy, Wilmot, Ashburnham, and Pollard. The second, Jermin and Goring, whose views reached much further, and who proposed to march the army to London. For though Goring in his deposition affirmed, he had done his utmost to dissuade the rest from this design, he is said however to be the first mover of it. If Percy's letter is to be credited, the king had at first listened to Jermin and Goring; but upon Percy's representation, had rejected their project as impracticable, and laid aside all thoughts of it. The king's friends confound these two projects, and all their proofs are directed against that of Jermin and Goring, without meddling with Percy's. And because the parliament could not fully prove there was an express resolution to bring the army to London, they conclude that the conspiracy in general was only a fiction and imposture. But though there had never been a settled design to march the army to London, it may be true however, that endeavours were used to gain them, and that the king approved of the design. In short, the king's friends do not deny that the draught of the petition was communicated to him, before it was recommended to the officers of the army for their subscription. Of this petition I am still to speak, in order to clear this point fully.

It is strange this petition, which has made so much noise, should never be produced, either by the parliament in support of their charge, or by the king for his own vindication. It is true, the king afterwards pretended he had recovered a copy, but did not think fit to produce it, though he affirmed it to be very innocent. This gives occasion to suspect there was something prejudicial to him. The earl of Clarendon has inserted in his History a petition, which he assures to be word

for

for word the ſame as was ſigned by the king with C. R. Charles I.
But it is evident this cannot be the petition in queſtion, as 1641.
the reader will perceive.

" To the king's moſt excellent majeſty; the lords ſpiritual
" and temporal; the knights, citizens, and burgeſſes now
" aſſembled in the high court of parliament, the humble
" petition of the officers and ſoldiers of the army.

" HUMBLY ſheweth, that although our wants have
" been very preſſing, and the burthen we are become
" unto theſe parts (by reaſon of thoſe wants) very grievous
" unto us; yet ſo have we demeaned ourſelves, that your
" majeſty's great and weighty affairs in this preſent parlia-
" ment have hitherto received no interruption, by any com-
" plaint, either from us, or againſt us; a temper not uſual
" in armies; eſpecially in one deſtitute not only of pay,
" but alſo of martial diſcipline, and many of its principal of-
" ficers; that we cannot but attribute it to a particular bleſ-
" ing of Almighty God, on our moſt hearty affections and
" zeal to the common good, in the happy ſucceſs of this
" parliament, to which, as we ſhould have been ready hour-
" ly to contribute our deareſt blood, ſo now that it hath
" pleaſed God to manifeſt his bleſſing ſo evidently therein,
" we cannot but acknowledge it with thankfulneſs; as like-
" wiſe his great mercy, in that he hath inclined your majeſty's
" royal heart ſo to co-operate with the wiſdom of parliament
" as to effect ſo great and happy a reformation upon the for-
" mer diſtempers of this church and commonwealth; as
" firſt, in your majeſty's gracious condeſcending to the many
" important demands of our neighbours of the Scotiſh na-
" tion: ſecondly, in granting ſo free a courſe of juſtice
" againſt all delinquents of what quality ſoever: thirdly, in
" the removal of all thoſe grievances wherewith the ſubjects
" did conceive either their liberty of perſons, property, or
" eſtate, or freedom of conſcience, prejudiced: and laſtly,
" in the greateſt pledge of ſecurity that ever the ſubjects of
" England received from their ſovereign, the bill of triennial
" parliament.

" Theſe things ſo graciouſly accorded unto by your ma-
" jeſty, without bargain or compenſation, as they are more
" than expectation or hope could extend unto, ſo now they
" are certainly ſuch, as all loyal hearts ought to acquieſce
" in with thankfulneſs; which we do with all humility, and
" do at this time, with as much earneſtneſs as any, pray and

The pretended petition from the officers of the army. Clarendon. tom. i. p. 192.

Charles I. 1641.

"wiſh, that the kingdom may be ſettled in peace and quiet-
"neſs, and that all men may, at their own homes, enjoy the
"bleſſed fruits of your wiſdom and juſtice.

"But it may pleaſe your excellent majeſty, and this high
"court of parliament, to give us leave, with grief and an-
"guiſh of heart, to repreſent unto you, that we hear that
"there are certain perſons ſtirring and pragmatical, who in-
"ſtead of rendering glory to God, thanks to your majeſty,
"and acknowledgment to the parliament, remain yet as un-
"ſatisfied and mutinous as ever; who, whilſt all the reſt of
"the kingdom are arrived even beyond their wiſhes, are
"daily forging new and unreaſonable demands; who, whilſt
"all men of reaſon, loyalty, and moderation, are thinking
"how they may provide for your majeſty's honour and plenty,
"in return of ſo many graces to the ſubject, are ſtill at-
"tempting new diminutions of your majeſty's juſt regalities,
"which ever muſt be no leſs dear to all honeſt men, than
"our own freedoms; in fine, men of ſuch turbulent ſpirits,
"as are ready to ſacrifice the honour and welfare of the
"whole kingdom to their private fancies, whom nothing elſe
"than a ſubverſion of the whole frame of government will
"ſatisfy: Far be it from our thoughts to believe, that the vio-
"lence and unreaſonableneſs of ſuch kind of perſons can
"have any influence upon the prudence and juſtice of the
"parliament: But that which begets the trouble and diſquiet
"of our loyal hearts at this preſent, is, that we hear thoſe ill-
"affected perſons are backed in their violence, by the mul-
"titude and the power of raiſing tumults; that thouſands
"flock at their call, and beſet the parliament, and White-
"hall itſelf; not only to the prejudice of that freedom which
"is neceſſary to great councils and judicatories, but poſſibly
"to ſome perſonal danger of your ſacred majeſty, and the
"peers.

"The vaſt conſequences of theſe perſons malignity, and
"of the licentiouſneſs of thoſe multitudes that follow them,
"conſidered in moſt deep care and zealous affection for the
"ſafety of your ſacred majeſty, and the parliament; our
"humble petition is, that in your wiſdom you would be
"pleaſed to remove ſuch dangers, by puniſhing the ringlead-
"ers of theſe tumults, that your majeſty and the parliament
"may be ſecured from ſuch inſolencies hereafter. For the
"ſuppreſſing of which, in all humility we offer ourſelves to
"wait upon you (if you pleaſe) hoping we ſhall appear as
"conſiderable in the way of defence to our gracious ſove-
"reign, the parliament, our religion, and the eſtabliſhed
"laws

" laws of the kingdom, as what number ſoever ſhall auda- Charles I.
" ciouſly preſume to violate them; ſo ſhall we, by the wiſ- 1641.
" dom of your majeſty and the parliament, not only be vin-
" dicated from precedent innovations, but be ſecured from
" the future, that are threatned, and likely to produce more
" dangerous effects than the former.

" And we ſhall pray, &c."

Reaſons to ſhew that this is not the true petition which was communicated to the king.

Give me leave to make ſome remarks on this petition, in order to ſhow, that it cannot be the ſame that was communicated to the king, and ſubſcribed by him with the letters C. R. in token of his approbation.

In the firſt place, it evidently appears, this was drawn up at London, at the very time when the multitudes repaired to Weſtminſter, which happened not till the 3d and 4th of May, there having been no ſuch concourſe of people before, and this laſting only two days. But it will be ſeen hereafter, that the king himſelf ſaid, that this petition, which he ſigned with C. R. was brought to him from the army, and that after having read it, he approved of it, as being very innocent. If the petition communicated to the king had been prepared in the army, it cannot be this, ſince thoſe that penned it, could not foreſee the riotous aſſemblies at Weſtminſter on the 3d and 4th of May, which however they ſpeak of as then in being. And if it was drawn at London, as it is very likely, it cannot be that which was communicated to the king, ſince he affirmeth, it was brought to him from the army.

It will be ſaid perhaps, that this petition might be prepared at London the 3d or 4th of May, at the time of the concourſe, that it was ſent to the army, and then brought back to London to be communicated to the king. But allowing only a fortnight for thoſe journies from London to York, and from York to London, and for communicating it to the officers diſperſed in different quarters about the country, the petition would have come too late to the king, and have been entirely uſeleſs, ſince the riots were ceaſed, the earl of Straford dead, and the king had paſſed the bill for the continuance of the parliament. It would have been therefore very propoſterous for the king to approve of this petition at ſuch a juncture.

Secondly, the earl of Clarendon intimates, this petition was projected and drawn long before the 3d and 4th of May, by the very officers who were afterwards accuſed of the conſpiracy.

Charles I. 1641.

racy. He ſays, after the king had ſubſcribed it, it was carried down to the army, and ſigned by ſome officers, but was ſuddenly quaſhed, and no more heard of till the diſcovery of the pretended plot, of which more in its place. This is a clear evidence, that the petition the king ſubſcribed with C. R. had been communicated long before the 3d or 4th of May, the day of the diſcovery of the plot. But if this be ſo, how could the authors of the petition ſpeak of the riots on the 3d. and 4th of May, as actually in being? The petition ſubſcribed by the king, cannot therefore be the ſame that the lord Clarendon has inſerted in his hiſtory.

Clarendon, t. i. p. 192.

In the third place, the officers who intended to gain the army to the king, and who, according to the lord Clarendon, projected likewiſe the petition to the king and parliament which was approved by his majeſty, propoſed as their end, "to preſerve the biſhops votes and functions, to hinder the "diſbanding the Iriſh army till that of the Scots was diſ-"banded too, and to ſettle the king's revenues." But in the petition above, there is no mention of any of theſe articles [c].

Laſtly, it will hereafter be ſeen, that the king to juſtify his ſigning the petition, ſaid, nothing more was required in it, than the ſettling of the government upon the ſame foot as under queen Elizabeth. But in the petition given us by the lord Clarendon as ſubſcribed by the king, there is nothing like it, Elizabeth not being named in it [d].

Doubts concerning Percy's letter. Clarendon, t. i. p. 210, 212, &c.

Before I conclude this matter, I muſt not forget what has been ſaid concerning Percy's letter to his brother the earl of Northumberland. It is pretended that Percy, endeavouring to eſcape into France, was known at the ſea-ſide, and wounded by ſome perſons who would have ſtopped him: that getting from them, and flying to the earl of Northumberland's,

[c] Whitelock's account of this matter is thus: the officers put themſelves into a junto of ſworn ſecrecy, drew up ſome heads by way of petition to the king and parliament, "For money for "the army. Not to diſband before the "Scots. To preſerve biſhops votes and "functions. To ſettle the king's re-"venue." The army being united from hence, met, and drew up a letter, or petition, which was ſhewed to the king, and approved and ſigned by him with C. R. and a direction to captain Leg, that none ſhould ſee it but ſir Jacob Aſhley; the main drift was, "That "the army might be called up to at-"tend the ſafety of the king upon any "and parliament's ſecurity, or that "both armies might be diſbanded." Memorials, p. 46.

[d] The lord Clarendon ſays, that Goring, who propoſed the marching of the army to London, being diſguſted at having that propoſal rejected and ridiculed, did, the ſame, or the next day, whereon he had propoſed it, diſcover all, and more than had paſſed, to the earl of Bedford, and the lords Say and Kimbolton; but as dangerous as the deſign was afterwards alledged to be, it was not however communicated to the parliament till about three months after. Clarendon, tom. i. p. 195.

that

that lord prevailed with ſome of the leading men of the commons, particularly Mr. Pym, that his brother's eſcape ſhould be connived at, on condition he would write the letter above-mentioned, as if it was writ in France. It is eaſy to perceive, that hereby the relation in that letter is deſigned to be rendered ſuſpected of falſhood. But I do not find, it is poſitively affirmed, or that any proofs are produced to diſcover the forgery. The whole amounts to a bare aſſertion, that the plot in queſtion was a fiction, a chimera, an impoſture: that the parliament curtailed the depoſitions of the witneſſes, omitting every thing that ſerved to juſtify the king: that the conferences in Percy's chamber, were free converſations between friends, of whom ſome were members of parliament: that the depoſitions of the witneſſes were fitter to demonſtrate there was never any conſpiracy to ſeduce the army, than to prove there was really any ſuch thing. But upon the whole, we muſt take as good proofs the bare aſſertion of thoſe who relate theſe facts, which they have not cleared in the leaſt [e]. Charles I. 1641.

As the king was frequently reproached with this conſpiracy afterwards, I thought it neceſſary to give a juſt idea of the thing, that the reader may be the better able to judge of the objections and anſwers I ſhall have frequent occaſion to mention. It is now time to proceed to the lord Strafford's trial.

The earl of Strafford's trial.

If it is not ſuppoſed, that Charles I. from the beginning of his reign to the time of this laſt parliament, had formed a deſign to eſtabliſh in England an arbitrary government, it will be almoſt impoſſible to underſtand his hiſtory, and particularly this ſecond part. But, upon this ſuppoſition, which to me appears inconteſtable, all difficulties vaniſh. It is not ſurprizing to ſee the king's council, his miniſters, favorites, the ſtar-chamber, high-commiſſion, judges of the realm, in a word, all perſons in public employment, intent upon one ſingle point, I mean, the ſtretching of the royal authority as far as lay in their power. It is not ſurprizing to ſee the implacable hatred of the houſe of commons to the king's miniſters, and particularly to thoſe who were moſt truſted by his majeſty, and believed the chief authors of the public evils. Among theſe, the earl of Strafford was conſidered as the moſt dangerous, becauſe the moſt able, and becauſe his two high poſts of preſident of the court of York, and lord-lieutenant of Ireland, afforded him frequent occaſions to ſerve the king effectually, and aſſiſt him to execute his deſigns. Accordingly he was

[e] Mr. Nalſon, who took upon him to juſtify the king againſt the falſe accuſations of his enemies, as he ſays himſelf in his introduction, paſſes over this article very ſlightly. See the end of vol. i. of his Collections. Rapin.

Charles I. 1641. the first the commons attacked, eight days after the opening of the parliament. The impeachment and trial of this lord, containing many remarkable things, some whereof are, as I may say, above the comprehension of foreigners, by reason of the great difference between the laws and customs of England, and those of other states. It would therefore be too difficult a task for me to undertake to give a particular account of all the circumstances of this famous trial, which have been collected in a large volume in folio. For this reason I shall content myself with giving a general idea of it, such as I think proper to satisfy the reader's curiosity.

Rushworth, t. viii. of the new edition. Nalson, t. ii. p. 206. Clarendon, t. i. p. 169, &c. Annals.

There is no doubt, when the commons impeached the earl of Strafford, his ruin was resolved by the leading men of that house. The earl being looked upon as the most powerful, and most in favour of all the king's ministers, and as the principal author of the miseries of the kingdom, this was sufficient to make it thought requisite to sacrifice him to the public. I do not think it necessary to seek other motives of this resolution, or to ascribe it to more secret causes. Since the parliament undertook to redress grievances, and restore the government to its antient state, nothing was more natural than to punish such as had helped to unhinge it, and among these the earl of Strafford was the principal, and consequently, the fittest to serve for example to those, who should in time to come, engage in the like enterprize. But besides this, he had made himself many enemies by his imperious behaviour, to which great ministers, who are secure of their master's favour, are generally but too liable. Moreover, he had deserted the people's interest, after having strongly supported it whilst a member of the house of commons, and devoted himself entirely to the king. This sufficed to render him odious, and the commons, when they impeached him, knew they could not do any thing more grateful to the people. He was therefore accused of high-treason, not that in the short time, since the opening of the parliament, the commons could have any certainty of his being guilty of that crime, but upon a certain public evidence, and the inward conviction of most of the members. After his being sent to the Tower upon this impeachment, the house considered of the articles on which they were to ground his accusation; and when they were brought to the lords, proofs were sought to support them.

[1] The committee appointed to draw the articles of accusation against him, were, Mr. Whitelock the chairman, the lord Digby, sir Walter Earl, Mr. Pym, Hampden, Hollis, Stroud, Selden, St. John, Maynard, Palmer, Glyn. Whitelock, p. 39.

These

These articles, to the number of twenty-eight, tended to prove in general, that the earl of Strafford had endeavoured to ſubvert the fundamental laws of the ſtate, and eſtabliſh an arbitrary power. So, though each of the pretended crimes, whereof he was accuſed, could not be accounted high-treaſon, the houſe pretended, that all together manifeſtly ſhowed his deſign, and the means he had employed to accompliſh it. The ſubſtance of the twenty-eight articles, is as follows: Charles I. 1641.

Articles of accuſation againſt the earl of Strafford. January 30. 1640-1. Ruſhworth, t. viii. Nalſon, t. ii. p. 10.

"I. That he being preſident of the king's council in the north parts of England, had procured to himſelf a commiſſion, with inſtructions annexed, whereby power was given to him to determine all offences, ſuits, &c. within certain precincts therein ſpecified, and in ſuch manner as the ſaid inſtructions did appoint, according to the proceedings of the ſtar-chamber. By virtue of which commiſſion, he had exerciſed an exorbitant and unlawful juriſdiction over the perſons and eſtates of his majeſty's ſubjects in thoſe parts, to their ruin.

"II. That at the aſſizes held for the county of York, he did publicly declare and publiſh before the people, that ſome of the juſtices were all for law, and nothing would but pleaſe them but law; but they ſhould find, That the king's little finger ſhould be heavier than the loyns of the law.

"III. That being lord-deputy of Ireland, he did ſay in a public ſpeech, that Ireland was a conquered nation, and that the king might do with them what he pleaſed: and ſpeaking of the charters of former kings of England, made to the city of Dublin, he further then ſaid, that their charters were nothing worth, and did bind the king no farther than he pleaſed.

"IV. That Richard earl of Cork, a peer of Ireland, having ſued out proceſs in courſe of law, for recovery of his poſſeſſions, from which he was put, by colour of an order made by the lord Strafford and the council; he, the ſaid

These articles filled two hundred ſheets of paper. As ſome of the treaſons charged upon him were of fourteen years ſtanding, the earl deſired three months time to make his anſwer, but was allowed only till the 24th of February. Whitelock, p. 41.—The chief manager during the whole trial was Mr. Pym, of whom Dr. Welwood tells the following ſtory. When the earl, then only ſir Thomas Wentworth, was upon making his peace with the court, he gave Pym ſome obſcure intimation of it. Pym underſtanding his drift, ſtopt him ſhort with this expreſſion, "You need "not uſe all this art to tell me, that "you have a mind to leave us; but "remember what I tell you, you are "going to be undone: and remember, "that though you leave us now, I will "never leave you while your head is "upon your ſhoulders." Memoirs, p. 45.

Charles I. 1641. "lord Strafford, threatned the ſaid earl to impriſon him, unleſs he would ſurceaſe his ſuit, and ſaid, that he would have neither law nor lawyers diſpute or queſtion his orders.

"That the ſaid earl of Cork having conteſted the validity of an order of council made in Ireland, in the time of king James I. the lord Strafford had ſaid, that he would make the ſaid earl and all Ireland know, that ſo long as he had the government of that kingdom, any act of ſtate there made, or to be made, ſhould be as binding to the ſubjects of that kingdom, as an act of parliament. And that he did ſundry other times, and upon ſundry other occaſions, by his words and ſpeeches, arrogate to himſelf a power above the fundamental laws and eſtabliſhed government of that kingdom, and ſcorned the ſaid laws and eſtabliſhed government.

"V. That he did give, and procure to be given, againſt the lord Mountnorris, (then a peer of Ireland, vice-treaſurer, and receiver-general of that kingdom, and treaſurer at war, and one of the principal ſecretaries of ſtate, and keeper of the privy-ſignet of the ſaid kingdom) a ſentence of death by a council of war, called together by the ſaid earl of Strafford, without any warrant, or authority of law, or offence deſerving any ſuch puniſhment.

"And he the ſaid earl did alſo at Dublin, without any legal or due proceedings, or trial, give, and cauſe to be given, a ſentence of death againſt one other of his majeſty's ſubjects; and cauſed him to be put to death in execution of the ſame ſentence.

"VI. That without any legal proceedings, and upon a paper-petition, he did cauſe the ſaid lord Mountnorris to be diſſeized and put out of his manor of Tymore in the kingdom of Ireland; the ſaid lord Mountnorris having been eighteen years before in quiet poſſeſſion thereof.

"VII. That he did cauſe a caſe, commonly called "the caſe of Tenures upon defective Titles," to be made and drawn up, without any jury or trial, or other legal proceſs, and without the conſent of parties, and did then procure the judges of the realm of Ireland to deliver their opinions and reſolutions to that caſe, and by colour of ſuch opinion did, without any legal proceeding, cauſe Thomas lord Dillon, and many others, to be put out of the poſſeſſion of divers lands and tenements, whereby many of his majeſty's ſubjects, and their families, were utterly undone.

"VIII. That without any legal proceſs, he had made a decree or order againſt Adam viſcount Loftus, a peer, and "lord-

" lord-chancellor of Ireland, and did cauſe the ſaid viſcount Charles I.
" to be impriſoned, on pretence of diſobedience to the ſaid 1641.
" decree or order. That afterwards, without any authority,
" he required and commanded the ſaid lord viſcount to yield
" up unto him the great ſeal of the realm of Ireland, which
" was then in his cuſtody, by his majeſty's command, and
" impriſoned the ſaid chancellor, for not obeying ſuch his
" command.

" That he did impriſon George earl of Kildare, thereby
" to enforce him to ſubmit his title to the manor and lord-
" ſhip of Caſtle-leigh in the Queen's County, being of great
" yearly value, to the ſaid earl of Strafford's will and plea-
" ſure, and kept him a year priſoner for the ſaid cauſe; and
" refuſed to enlarge him, notwithſtanding his majeſty's let-
" ters for his enlargement to the ſaid earl of Strafford directed.

" That upon a petition exhibited to him againſt dame
" Mary Hibbots, widow; the ſaid earl of Strafford recom-
" mended the ſaid petition to the council-table of Ireland,
" where the moſt part of the council gave their vote and opinion
" for the ſaid lady; but the ſaid earl finding fault herewith,
" cauſed an order to be entered againſt the ſaid lady, and
" threatned her, that if ſhe refuſed to ſubmit thereunto, he
" would impriſon her, and fine her five hundred pounds;
" that if ſhe continued obſtinate, he would continue her im-
" priſonment, and double her fine every month; by means
" whereof ſhe was enforced to relinquiſh her eſtate in the
" lands queſtioned in the ſaid petition, which ſhortly after
" were conveyed to ſir Robert Meredith, to the uſe of the
" ſaid earl of Strafford.

" That the ſaid earl, in like manner, did impriſon di-
" vers others of his majeſty's ſubjects, upon the like pre-
" tences, &c.

" IX. That the ſaid earl, aſſuming to himſelf a power
" above and againſt law, took upon him, by a general war-
" rant under his hand, to give power to the lord biſhop of
" Down and Connor, his chancellor, &c. to attach and
" arreſt the bodies of all ſuch of the meaner and poorer ſort,
" who after citation ſhould either refuſe to appear before
" them, or appearing, ſhould omit or deny to perform, or
" undergo all lawful decrees, ſentences, and orders impoſed,
" or given out againſt them, and them to commit and
" keep in the next goal, until they ſhould either perform
" ſuch ſentences, or put in ſufficient bail, to ſhew ſome rea-
" ſon before the council-table, of ſuch their contempt and
" neglect.

" X. That

Charles I. 1641.

"X. That he had procured the customs of the merchandize exported out, and imported into Ireland, to be farmed to his own use. And, to advance his own gain and lucre, did cause and procure the native commodities of that kingdom, to be rated in the book of rates for the customs, according to which the customs were usually gathered, at far greater value and prices than in truth they were worth; that is to say, every hide at twenty shillings, which in truth was worth but five shillings, every stone of wool at thirteen shillings and four-pence, though the same were really worth but five shillings, at the utmost nine; by which means the customs, which before was but a twentieth part of the true value of the commodity, was enhanced sometimes a fifth part, and sometimes to a fourth, and sometimes to a third part of the true value.

"XI. That the said earl did restrain the exportation of the commodities of the kingdom of Ireland without his licence, and then raised great sums of money for licences of exportation of those commodities and dispensation of the said restraints imposed on them, by which those commodities were raised above half in half.

"XII. That under colour to regulate the importation of tobacco into Ireland, he did issue a proclamation, prohibiting the importation of tobacco into that kingdom; after which restraint, the said earl caused divers great quantities of tobacco to be imported to his own use: that if any ship brought tobacco into any port there, the said earl and his agents used to buy the same to his own use, at their own price; and if the owners refused to let him have the same at undue values, then they were not permitted to vent the same there; by which undue means, the said earl having gotten the whole trade of tobacco into his own hands, he sold it at great and excessive prices.

"That by a proclamation he commanded, that none should put to sale any tobacco by wholesale, but what should be made up into rolls, and the same sealed with two seals by himself appointed, one at each end of the roll: and such as was not sealed to be seized, appointing six-pence the pound for a reward to such persons as should seize the same. Which proclamation was rigorously put in execution, by seizing the goods, fining, imprisoning, whipping, and putting the offenders in the pillory. And though he enhanced the customs, wherein it concerned the merchants in general, yet he drew down the impost formerly taken

" taken on tobacco, from six-pence to three-pence the pound, Charles I.
" it being for his own profit so to do. 1641.

" That he raised several other monopolies and unlawful
" exactions for his own gain, viz. on starch, iron-pots,
" glasses, tobacco-pipes, &c. good

" XIII. That flax being one of the principal and native
" commodities of Ireland, the said earl having gotten great
" quantities thereof into his hands, and growing on his
" own lands, did issue out several proclamations, prescrib-
" ing and enjoining the working of flax into yarn and
" thread, and the ordering of the same in such ways wherein
" the natives of that kingdom were unpractised, and unskil-
" ful, and the flax wrought or ordered in other manner
" than as the said proclamation prescribed, was seized and
" employed to the use of him and his agents, and thereby
" the said earl did gain, in effect, the sole sale of that native
" commodity.

" XIV. That the said earl, by proclamation, did impose
" upon the owners, masters, pursers, and boatswains of every
" ship, a new and unlawful oath, viz. That they, imme-
" diately after the arrival of any ship within any port or creek
" in the kingdom of Ireland, should give in a true invoice of
" the outward bulks of wares and merchandizes first laden
" aboard them, together with the several marks and number
" of goods, and their qualities and condition, the names of
" the several merchants, proprietors of the said goods, and
" the place from whence they were fraughted, and whither
" they were bound, &c.

" XV. That by his own authority, without any warrant
" or colour of law, he did tax and impose great sums of money
" upon divers towns and places in Ireland; and did cause the
" same to be levied upon the inhabitants of those towns by
" troops of soldiers, with force of arms, in a warlike man-
" ner; and sent such numbers of soldiers to lie on the lands
" and houses of such as would not conform to his orders, un-
" til they should render obedience to his said orders; and this
" he did at several times, and in divers places, by which
" means he levied war within the said realm against his ma-
" jesty and his liege people of that kingdom.

" XVI. That the said earl did make a proposition, and
" obtained from his majesty an allowance thereof, that no
" complaint of injustice or oppression done in Ireland, should
" be received in England against any, unless it appeared,
" that the party made first his address to him the said earl.
" And to prevent the subjects of that realm of all means
" of

Charles I. 1641. "of complaints to his majeſty, and of redreſs againſt him "and his agents, he did iſſue a proclamation thereby com- "manding all the nobility, undertakers and others, who held "eſtates and offices in the ſaid kingdom, to make their per- "ſonal reſidence in the ſaid kingdom of Ireland, and not "to depart thence without licence of himſelf; which pro- "clamation the ſaid earl had by ſeveral rigorous ways, "as by fine, impriſonment, and otherwiſe, put in execu- "tion; by means whereof the ſubjects of that realm were re- "ſtrained from ſeeking relief againſt the oppreſſions of the "ſaid earl.

"XVII. That ſpeaking of the army in Ireland, he did "declare, that his majeſty was ſo well pleaſed with the army "of Ireland, and the conſequences thereof, that his majeſty "would certainly make the ſame a pattern for all his three "kingdoms.

"XVIII. That, in order to draw dependency upon him- "ſelf, of the papiſts in both kingdoms of England and Ire- "land, during the time of his government in Ireland, he "reſtored divers frieries and maſs-houſes, (which had been "formerly ſuppreſſed by the precedent deputies of that king- "dom; two of which houſes are in the city of Dublin; and "hath been aſſigned to the uſe of the univerſity there) to the "pretended owners thereof.

"That in the months of May and June laſt, the ſaid earl "did raiſe an army in Ireland, conſiſting of eight thouſand "foot, all of which, except one [thouſand] or thereabouts "were papiſts; and the ſaid one thouſand were drawn "out of the old army there, and in their places there were "a thouſand papiſts put into the ſaid old army by the ſaid "earl.

"That the more to engage and tie the ſaid new army of "papiſts to himſelf, and to encourage them, he did ſo pro- "vide, that the ſaid new army of papiſts were duly paid, &c. "but the ſaid old army were, for the ſpace of one whole "year and upwards, unpaid.

"That being appointed a commiſſioner within eleven ſe- "veral counties of the northern parts of England, for com- "pounding with recuſants for their forfeitures due to his ma- "jeſty; and being alſo receiver of the compoſition money "thereby ariſing, he did compound with them at low and "under rates, and provided, that they ſhould be diſcharged of "all proceedings againſt them in all his majeſty's courts, both "temporal and eccleſiaſtical, contrary to the laws and ſtatutes "of this realm.

"XIX.

" XIX. That he did of his own authority contrive and Charles I.
" frame a new and unuſual oath, by the purport whereof, 1641.
" the party taking the ſaid oath, was to ſwear that he ſhould
" not proteſt againſt any of his majeſty's royal commands,
" but ſubmit himſelf in all due obedience thereunto. Which
" oath he enforced on the ſubjects of the Scotiſh nation,
" inhabiting in Ireland; and compelled divers of his ma-
" jeſty's ſaid ſubjects there, to take the ſaid oath againſt their
" wills; and of ſuch as refuſed to take it, ſome he griev-
" ouſly fined and impriſoned, and others he deſtroyed and
" exiled; namely, he fined Henry Steward and his wife, who
" refuſed to take the ſaid oath, five thouſand pounds a-piece,
" and their two daughters and James Gray, three thouſand
" pounds a-piece, and impriſoned them for not paying the
" ſaid fines.

" That he did upon that occaſion declare, that the ſaid
" oath did not only oblige them in point of allegiance to his
" majeſty, and acknowledgment of his ſupremacy only, but
" to the ceremonies and government of the church eſta-
" bliſhed, and to be eſtabliſhed by his majeſty's royal autho-
" rity, and ſaid, that the refuſers to obey he would proſecute
" to the blood.

" XX. That he was the chief incendiary of the laſt war
" againſt the Scotiſh nation, by inciting and provoking his
" majeſty againſt his ſubjects of Scotland; and had declared
" and adviſed his majeſty, that the demands made by the
" Scots in their parliament, were a ſufficient cauſe of war
" againſt them: that he ſaid, that the nation of the Scots
" were rebels and traytors; and he being then about to come
" to England, further ſaid, that if it pleaſed his majeſty to
" ſend him back again, he would root out of the kingdom of
" Ireland the Scotiſh nation both root and branch: that he
" had cauſed divers of the ſhips and goods of the Scots to be
" ſlayed, ſeized, and moleſted, to the intent to ſet on the war
" between the two nations.

" XXI. That at his arrival into England, finding that his
" majeſty had compoſed the troubles in the North, and made
" a pacification with his ſubjects of Scotland, he laboured by
" all means to procure his majeſty to break that pacification.
" And having incited his majeſty to an offenſive war againſt
" his Scotiſh ſubjects, he counſelled his majeſty to call a par-
" liament in England, yet he intended, that if the proceed-
" ings of that parliament ſhould not be ſuch as would ſtand
" with his miſchievous deſigns, he would then procure his
" majeſty to break the ſame; and by ways of force and power,

" to

Charles I. 1641.

" to raiſe monies upon the ſubjects of this kingdom. And " for the encouragement of his majeſty to hearken to his ad- " vice, he did before his majeſty and privy-council, then ſit- " ting in council, make a large declaration, that he would " ſerve his majeſty in any other way, in caſe the parliament " ſhould not ſupply him.

" XXII. That before the beginning of the laſt parliament, " the ſaid earl of Strafford went into Ireland, and procured " the parliament of that kingdom to declare their aſſiſtance " in a war againſt the Scots, and gave directions for the raiſ- " ing of an army there, conſiſting of eight thouſand foot, and " one thouſand horſe, being for the moſt part papiſts, as afore- " ſaid. And confederating with one ſir George Ratcliffe, " did together with him traiterouſly conſpire to employ the " ſaid army, for the ruin and deſtruction of the kingdom of " England, and of altering and ſubverting of the fundamen- " tal laws, and eſtabliſhed government of that kingdom.

" Shortly after, the ſaid earl returned into England, and " to ſundry perſons declared his opinion to be, that his ma- " jeſty ſhould firſt try the parliament here, and if that did not " ſupply him according to his occaſions, he might uſe then " his prerogative as he pleaſed, to levy what he needed; and " that he ſhould be acquitted both of God and man, if he " took ſome other courſes to ſupply himſelf, though it were " againſt the wills of his ſubjects.

" XXIII. That upon the 13th day of April laſt, the par- " liament of England met, and the commons houſe did enter " into debate and conſideration of the grievances of this king- " dom; he the ſaid earl of Strafford, and the archbiſhop of " Canterbury, did procure his majeſty, by ſundry ſpeeches " and meſſages, to urge the ſaid commons houſe, to enter " into ſome reſolution for his majeſty's ſupply, for mainte- " nance of his war againſt his ſubjects of Scotland, before any " courſe taken for the relief of the grievances wherewith this " kingdom was then afflicted; whereupon a demand was then " made from his majeſty of twelve ſubſidies, for the releaſe " of ſhip-money only. And while the ſaid commons were " in debate and conſideration concerning ſome ſupply, before " any reſolution by them made, the ſaid earl of Strafford, " with the help and aſſiſtance of the ſaid archbiſhop, did pro- " cure his majeſty to diſſolve the ſaid parliament; and upon " the ſame day, the ſaid earl did endeavour to incenſe his ma- " jeſty againſt his ſubjects, who had been members of the " ſaid houſe of commons, by telling his majeſty, they had

" denied to ſupply him; and afterwards upon the ſame day, Charles I.
" did adviſe his majeſty to this effect, that having tried the af- 1641.
" fections of his people, he was looſe and abſolved from all
" rules of government; and that he was to do every thing
" that power would admit; and that his majeſty had tried all
" ways, and was refuſed, and ſhould be acquitted towards
" God and man; and that he had an army in Ireland, which
" he might employ to reduce this kingdom.

" XXIV. That in the ſame month of May, he declared
" before others of his majeſty's privy-council, that the par-
" liament of England had forſaken the king, and that in de-
" nying to ſupply the king, they had given him advantage to
" ſupply himſelf by other ways; and that he was not to ſuffer
" himſelf to be maſtered by the frowardneſs and undutiful-
" neſs of the people.

" And having ſo maliciouſly ſlandered the ſaid late houſe
" of commons, he did, with the help and advice of the ſaid
" archbiſhop of Canterbury, and the lord Finch, late lord-
" keeper of the great ſeal of England, cauſe to be printed
" and publiſhed in his majeſty's name, a falſe and ſcandalous
" book, full of bitter and malicious invectives, entitled, His
" majeſty's Declaration of the Cauſes that moved him to diſ-
" ſolve the laſt Parliament.

" XXV. That not long after, he the ſaid earl of Straf-
" ford did adviſe the king to go on vigorouſly in levying the
" ſhip-money, and did procure the ſheriffs of ſeveral coun-
" ties to be ſent for, for not levying the ſhip-money, divers
" of which were threatned by him, to be ſued in the ſtar-
" chamber.

" And a great loan of one hundred thouſand pounds was
" demanded of the city of London, and the lord-mayor, and
" ſheriffs, and aldermen of the ſaid city, were often ſent for
" by his advice to the council-table, and required to certify
" the names of ſuch inhabitants of the city as were fit to
" lend; which they with much humility refuſing to do, he
" the ſaid earl of Strafford did uſe theſe and the like ſpeeches,
" viz. That they deſerved to be put to fine and ranſom; and
" that no good would be done with them, till an example
" were made of them, and that they were laid by the heels,
" and ſome of the aldermen hanged up.

" XXVI. That the ſaid earl having brought his majeſty
" to exceſſive charge, without any juſt cauſe, did counſel
" and approve the two following dangerous and wicked pro-
" jects, viz.

" To

" To ſeize upon the bullion, and the money in the mint: " and to imbaſe his majeſty's coin, with the mixture of " braſs.

" And accordingly he procured one hundred and thirty " thouſand pounds, which was then in the mint, and belong- " ing to divers merchants, ſtrangers and others, to be ſeized " on, and ſtaid to his majeſty's uſe. And when divers mer- " chants of London, owners of the ſaid bullion and money, " came to his houſe, to let him underſtand the great miſchief " that courſe would produce here and in other parts; he the " ſaid earl told them, that the city of London dealt undutifully " and unthankfully with his majeſty; and that they were " more ready to help the rebels than to help his majeſty: and " that if any hurt came to them, they might thank themſelves; " and that it was the courſe of other princes to make " uſe of ſuch monies to ſerve their occaſions.

" And when the officers of his majeſty's mint came to " him, and gave him divers reaſons againſt the imbaſing the " ſaid money; he told them, that the French king did uſe " to ſend commiſſioners of horſe, with commiſſion to ſearch " into mens eſtates, and to peruſe their accounts, that ſo they " might know what to levy of them by force, which they " did accordingly levy; and turning to the lord Cottington " then preſent, ſaid, that this was a point worthy of his lord- " ſhip's conſideration.

" XXVII. That he was made lieutenant-general of all his " majeſty's forces in the North; and being at York, did, by " his own authority, impoſe a tax on his majeſty's ſubjects in " the county of York of eight-pence per diem, for maintenance of every ſoldier of the trained-bands of that county; " which ſums of money he cauſed to be levied by force. " And to compel his majeſty's ſubjects out of fear to pay the " ſame, he did declare, that he would commit them that refuſed the payment thereof; and they that refuſed it, were " in very little better condition than of high treaſon.

" XXVIII. That being lieutenant-general of his majeſty's " army, he did not provide for the defence of the town of " Newcaſtle as he ought to have done, but ſuffered the ſame " to be loſt, that ſo he might the more incenſe the Engliſh " againſt the Scots.

" And for the ſame purpoſe he did write to the lord Conway, the general of the horſe, that he ſhould fight with the " Scottiſh army at the paſſage over the Tyne, whatſoever " ſhould follow; notwithſtanding that the ſaid lord Conway " had formerly by letters informed the ſaid earl, that his ma-

" jeſty's

" jeſty's army, then under his command, was not of force Charles I.
" ſufficient to encounter the Scots." 1641.

The parliament of Ireland hearing the earl of Strafford was in the Tower, immediately ſent a committee of both houſes to England, to lay before the parliament remonſtrances concerning the grievances endured by the Iriſh, under that lord's adminiſtration. But as theſe remonſtrances contained little but what is mentioned in the twenty-eight articles, I do not think it neceſſary to inſert them.

Committee from the parliament of Ireland to complain of the earl of Strafford. Ruſhworth, iv. p. 220.

This proceſs was not ready to be tried till the 22d of March 1640-1, and laſted till the 12th of April. It would be too tedious to give a particular account of the proofs, depoſitions of the evidences, anſwers of the party accuſed upon each article, and replies of the commons. To give a general idea of the thing, it will ſuffice to ſay in two words, that the impeachment running wholly upon the earl of Strafford's pretended intention to ſubvert the fundamental laws of the kingdom, the greateſt part of the crimes he was accuſed of, could be accounted high-treaſon but on ſuppoſition of this ſame intention. And therefore the managers [h] inſiſted upon every one of the articles in order to prove his intention, maintaining, that though each ſingly was not capable of proving it, they were however, when joined together, of the utmoſt evidence. But beſides, that each of theſe articles was not equally well proved, it remained alſo to decide, whether the intention could render a man guilty of treaſon. The counſel for the earl of Strafford maintained, that although by the law, the bare intention of killing the king was high-treaſon, it did not follow that the intention could be conſidered upon the ſame foot, with reſpect to other treaſons, which the law had not explained in the ſame manner. On the other hand, the earl of Strafford ſhowed that none of the particular crimes he was charged with could be deemed treaſon, and that a hundred felonies could never make one treaſonable crime. But this diſpute concerned only the nature of the offence, in which the accuſed had a great advantage, eſpecially if it be conſidered that in England, in criminal caſes, the judges are extremely careful not to miſtake, and to attend only to what

Reaſons for and againſt the earl.

[h] They were, George lord Digby, John Hampden, John Pym, Oliver St. John, ſir Walter Earl, Geoffery Palmer, John Mainard, John Glyn, Thomas Howard earl of Arundel, as lord high-ſteward upon this occaſion. The place of the trial was Weſtminſter-hall; to which a theatre and ſeats were erected for both houſes of parliament, and for the judges. The members of the houſe of commons ſat uncovered, and the lords in their robes. Ruſhworth, tom. viii. p. 40, 41. Whitelock, p. 41.

Charles I. 1641.

proves directly the nature of the offence contained in the indictment. If the commons had been satisfied with accusing the earl of Strafford of Felony, or misdemeanours, very probably they would have obtained a speedy sentence against him. But having solely impeached him of high-treason, it belonged to the peers to condemn or acquit him solely upon that sort of offence. In the reign of Edward VI. the duke of Somerset was accused of high-treason and felony: He was acquitted as to the first, but condemned for the last.

The earl of Strafford defended himself with all the ability, presence of mind, judgment and temper that could be expected from a person of his parts [1]. Accordingly the commons easily found that the lords would hardly be induced to condemn him. And therefore they thought fit to take another course to accomplish their ends.

Votes of the commons. Rushworth, iv. p. 224, 225. viii. p. 50.

The 19th of April it was voted by the commons, that the endeavour of the earl of Strafford to subvert the fundamental laws of the realms of England and Ireland, and to introduce an arbitrary and tyrannical government in both kingdoms, was high-treason. Two days after, a bill of attainder was brought in against the said earl. The bill was read twice in the morning, and the third time in the afternoon, and passed with the majority of 204 against 59, after which it was sent up to the lords.

Bill of attainder passed and sent up to the lords. t. i p. 54.

Among the opposers of the bill, the lord Digby distinguished himself by a very eloquent speech, wherein he endeavoured to show, that to condemn the earl of Strafford in that

The lord Digby's speech against the bill. Rushworth, iv. p. 225. viii. p. 50, 55.

[1] Dr. Welwood observes, that he expressed in his defence such nervous and moving flights of eloquence, as came nothing short of the most celebrated pieces of antiquity. This appeared from his summing up his long answer extempore, with this pathetic conclusion: "My lords, I have troubled you longer "than I should have done, were it not "for the interest of these dear pledges, "a saint in heaven has left me."—At this he stopped, pointing to his children that stood by him, and dropt some tears, then went on—"What I for myself is nothing, but that my indiscretion should extend to my posterity, wounds me to the very soul. "You will pardon my infirmity; some"thing I should have added, but am "not able, therefore let it pass. And "now, my lords, for myself I have "been, by the blessing of God, taught, "that the afflictions of this present life, "are not to be compared to that eternal weight of glory which shall be "revealed hereafter. And so, my lords, "even so, with all tranquility of mind, "I freely submit myself to your judg"ment, and whether that judgment be "life or death, Te Deum Laudamus." p. 26.——Mr. Whitelock observes, "That certainly never any man acted "such a part, on such a theatre, with "more wisdom, constancy and elo"quence, with greater reason, judg"ment, and temper, and with a better "grace in all his words and gestures, "than this great and excellent person "did; and he moved the hearts of all "his auditors (some few excepted) to "remorse and pity." p. 44.

manner,

manner, was real murder [k]. Great exceptions were taken at this ſpeech; and though the houſe ſeemed at firſt not much to regard it, they ordered afterwards that it ſhould be publicly burnt by the hangman. Charles I. 1641.

The bill of attainder produced not the effect the commons deſired. The lords were in no haſte to examine it, or to anſwer the impatience of the commons. They had a mind firſt to conſider the arguments for and againſt the bill. In this interval, the peers cauſed ſir William Balfour to be examined concerning the project of letting the earl of Strafford eſcape. Several thouſands of the inhabitants of London preſented to both houſes a petition againſt the earl, ſaying, he was ſworn enemy of the city. The 29th of April, Mr. St. John, in the name of the commons, made a long ſpeech to the lords, to prove that the bill of attainder was not contrary to law. May the 1ſt, the king came to the parliament, and made the following ſpeech to both houſes.

Petition againſt the earl. Ruſhworth, iv. p. 533. viii. p. 56, 742.

St. John's ſpeech for the bill. Id. p. 675.

My lords,

"I had not any intention to have ſpoken to you of this "buſineſs this day, which is the great buſineſs of the earl "of Strafford, becauſe I would do nothing that might ſerve "to hinder your occaſions: but now it comes ſo to paſs, that "being of neceſſity I muſt have part in the judgment, I think "it moſt neceſſary for me to declare my conſcience therein. "I am ſure you all know, that I have been preſent at the "hearing of this great caſe, from the one end to the other [l], "and I muſt tell you, that I cannot in my conſcience con-

The king's ſpeech in favour of the earl of Strafford. Ruſhworth, iv. p. 239. viii. 734.

[k] The lord Digby in his ſpeech has theſe words:—"I am ſtill the ſame in "opinions and affections as to the earl "of Strafford; I confidently believe "him to be the moſt dangerous mini"ſter, the moſt inſupportable to free "ſubjects that can be chartered. I "believe his practiſes in themſelves as "high, as tyrannical, as any ſubject "ever ventured upon, and the malig"nity of them hugely aggravated by "thoſe rare abilities of his, whereof "God has given him the uſe, but the "devil the application. In a word, I "believe him ſtill that grand apoſtate "to the commonwealth, who muſt not "expect to be pardoned in this world, "till he be diſpatched to the other: "and yet, let me tell you, Mr. Speaker, "my hand muſt not be to that diſ"patch." Thus far a nobleman, who for his zeal to the royal cauſe, became the moſt obnoxious to the parliament. Ruſhworth, tom. iv. p. 226.—The reaſon, it ſeems, of his being againſt the bill of attainder, was, becauſe he believed the earl's adviſing the king to bring over the army from Ireland to reduce this kingdom, did refer to the kingdom of Scotland, and not to England, the thing then under debate, being how to reduce Scotland.

[l] At the trial there was on the ſtage, a chair and cloth of ſtate for the king, on either ſide whereof was a cloſe gallery for the king, queen, and prince to be private. In this place his majeſty remained all the time of the tryal. Whitelock, p. 41.

Charles I. 1641.

"demn him of high-treason: it is not fit for me to argue the "buſineſs; I am ſure you will not expect that. "A poſi- "tive doctrine beſt becometh the mouth of a prince:" yet I "muſt tell you three great truths, which I am ſure no body "knows ſo well as myſelf. 1. That I never had any inten- "tion of bringing over the Iriſh army into England; nor "ever was adviſed by any body ſo to do. 2. That there "was never any debate before me, neither in public council, "nor at private committee, of the diſloyalty of my Engliſh "ſubjects, nor ever had I any ſuſpicion of them. 3. I was "never counſelled by any to alter the leaſt of any of the laws "of England, much leſs to alter all the laws. Nay, I muſt "tell you this, I think no body durſt ever be ſo impudent "to move me in it; for if they had, I ſhould have put ſuch "a mark upon them, and made them ſuch an example, that "all poſterity ſhould know my intention by it; for my in- "tention was ever to govern according to law, and not other- "wiſe[m].

"I deſire to be rightly underſtood. I told you in my con- "ſcience I cannot condemn him of high-treaſon; yet I can- "not ſay I can clear him of miſdemeanours: therefore I hope "you may find a way to ſatisfy juſtice, and your own fears, "and not preſs upon my conſcience. My lords, I hope you "know what a tender thing conſcience is: yet I muſt declare "unto you, that to ſatisfy my people, I would do great mat- "ters: but this of conſcience, no fear, no reſpect whatſo- "ever, ſhall ever make me go againſt it. Certainly I have "not ſo ill deſerved of the parliament, at this time, that they "ſhould preſs me in this tender point; and therefore I can- "not expect that you will go about it.

"Nay, I muſt confeſs for matters of miſdemeanours, I am "ſo clear in that, that though I will not chalk out the way, "yet let me tell you, that I do think my lord Strafford is not "fit hereafter to ſerve me, or the commonwealth, in any place "of truſt, no, not ſo much as that of a conſtable. There- "fore I leave it to you, my lords, to find ſome ſuch way as "may bring me out of this great ſtreight, and keep ourſelves "and the kingdom from ſuch great inconveniencies; cer- "tainly he that thinks him guilty of high-treaſon, in his con- "ſcience may condemn him of miſdemeanours."

[m] It is very hard to reconcile this aſſertion of the king's with his govern- ment the firſt fifteen years of his reign. Rapin.

This

This speech produced a quite contrary effect to what the king had expected. Accordingly, the earl of Clarendon intimates that the lord Say advised the king to it, in order to draw him into a snare, and render the earl of Strafford's ruin more certain [n]. The commons were highly offended with it, saying, it was an unprecedented thing, that the king should meddle with bills before they were presented unto him, and a means to take away the freedom of votes, and immediately adjourned till Monday the 3d of May. Charles I. 1641.

This speech has a quite contrary effect to the king's intention. Clarendon, t. i. p. 201. Rushworth, viii. p. 735.

On that day it was that the rabble of London flocked to Westminster: and on the same day the house of commons drew the protestation before-mentioned, and on the morrow, the 4th of May, the lords approved of the same, and on the 7th passed the bill of attainder of the earl of Strafford, there being not above forty-six lords in the house of the fourscore who had constantly attended the trial [o]. It is pretended, that those who absented themselves, were terrified by the threats of the populace.

The lords pass the bill of attainder. P. 741, 755.

Clarendon, t. i. p. 201.

The king was then in the most uneasy situation. He loved the earl of Strafford, and was convinced the earl had done nothing but what was agreeable to his intentions and his maxims of government. He might be guilty with regard to the people on many accounts, but certainly he was not so with respect to the king, who had always approved of his conduct. Besides, the king had protested in full parliament, that he neither could nor would do any thing against his conscience, and that he did not believe in his conscience the earl was guilty. On the other hand, if he consented to the bill of attainder, after such a declaration, he should show that he was reduced to this extremity by the necessity of his affairs, so would not be thanked for it, and for the future would have nothing more to deny his parliament. But in case he rejected the bill, he plainly perceived the consequences of his refusal, and that at least he should be accused of denying his people justice, contrary to the advice of both houses of parliament.

[n] When the earl of Strafford was told with joy by his friends, that the king had made a warm speech in his favour to both houses, he received it as his doom, and told them, "The king's kindness had ruined him, and that "he had little else to do but to prepare "himself for death." Wedwood's Mem. p. 46.

[o] The lord Clarendon says, of the forty-six, eleven only dissented. Tom. i. p. 201. According to Whitelock, there were but forty-five, of whom twenty-six voted the earl guilty of high-treason, upon the 15th article, "For levying money in Ireland by force, in a "warlike manner:" And upon the 19th article, "For imposing an oath "upon the subjects in Ireland." Mem. p. 45.

Charles I. 1641.

It is not unlikely that in this extremity ſome one adviſed the king to diſſolve the parliament: at leaſt, the commons imagined he had no other way to free himſelf from his preſent embaraſſment. And therefore to deprive him of this refuge alſo, the ſame day, the 4th of May, they ordered the bringing in of a bill for the continuance of the parliament, that it might not be diſſolved without the conſent of both houſes; which bill was read thrice in two days [p], and paſſed three days after in the upper-houſe, with the bill of attainder of the earl of Strafford. In theſe two or three days the commons, as hath been ſaid, vigorouſly puſhed the affair of the plot, to fill the people with fears, and force the lords to paſs the two bills.

The continuance-bill paſſed by the lords. Ruſhworth, iv. p. 251. Clarendon, t. i. p. 204.

The bill of attainder having paſſed the houſe of lords, the king aſſembled his privy-council, and ſent for his lawyers. He laid before them his ſcruples and reaſons for not conſenting to the bill. But Juxon biſhop of London, was the only perſon that ventured to adviſe the king to reject a bill preſented to him by both houſes. All the reſt endeavoured to perſuade him to ſatisfy his people, and that the life of any one perſon ought not to be put in the ballance with the ſafety of the kingdom. As to his ſcruples, they told him, he might conſult his biſhops, who would give him the propereſt advice. The king not meeting with the ſatisfaction he expected from his council, ſent for ſome biſhops to adviſe with. It is affirmed, that Williams archbiſhop of York, ſaid to him on this occaſion, "That there was a private and a public conſcience; "that his public conſcience as a king, might not only diſ"penſe with, but oblige him to do that which was againſt "his private conſcience as a man." And therefore in plain terms adviſed him, "even for conſcience ſake to paſs the "act [q]." But what contributed moſt to determine him, was a letter from the earl of Strafford, who hearing of the ſtreights the king was in, "humbly beſought him himſelf to paſs the

Conſultations of the king about the bill of attainder. May 9. Clarendon, t. i. p. 201. Ruſhworth, iv. p. 262. viii. 755. Nalſon, t. ii. p. 192.

Clarendon, t. i. p. 202.

Letter from Strafford to the king. May 4. Ruſhworth, iv. p. 252. viii. 743. Nalſon, t. i. p. 190.

[p] This bill was brought into the houſe of commons, the next morning after it was propounded, and the ſame day it was perfected, and paſſed the houſe. The firſt motion for this bill was made by a Lancaſhire knight, who offered to procure the king 650,000l. till the ſubſidies ſhould be raiſed, if he would paſs ſuch a bill. Whitelock, p. 45. The pretended reaſon of making ſuch a law was, that the great ſums of money which the Scots were to have, could not ſuddenly be raiſed; and that being to be borrowed for their preſent riddance, lenders would hardly be found, unleſs they ſaw a certain way to ſecure their monies, which the danger of diſſolving this parliament would hazard. Dugdale's View, p. 70. Clarendon, vol. i. p. 204.

[q] Biſhop Hacket gives a different account of this particular. See part ii. p. 162.—Williams was not made archbiſhop of York till ſome months after this.

"bill, to remove him out of the way towards a bleſſed agree- Charles I.
"ment, which he doubted not God would for ever eſtabliſh 1641.
"betwixt him and his ſubjects." Adding, "That his con-
"ſent would more acquit his majeſty therein to God, than
"all the world could do beſides. To a willing man there
"is no injury." At laſt the king no longer able to with-
ſtand the preſſing inſtances of the parliament and his own
counſellors, or rather the fear of the calamities he foreſaw
would befal both himſelf and poſterity, if he refuſed to con-
ſent to the bill, ſigned a commiſſion to four lords [r] to paſs it
in his name [s]. By the ſame commiſſion he impowered The king paſſes the two bills. Ruſhworth, iv. p. 262. viii. 755.
theſe lords to give the royal aſſent to the bill for the continu-
ance of the parliament, which was of much greater impor-
tance to him than the earl of Strafford's life, but which how-
ever it does not appear that he much regarded, ſo full was he
of the other. This bill, which was of ſuch conſequence to
the king, was brought in the 6th of May, and in five days
paſſed both houſes, and received the king's approbation on
the 10th, as it it had been but a trifle.

On the 12th of May, the ſecond day after the royal aſſent The earl of Strafford beheaded. Id. iv. p. 267, &c. Reaſons for and againſt him.
to the bill of attainder, the earl of Strafford was executed,
and ſuffered death with great conſtancy. It was then, and is
ſtill at this time a ſubject of diſpute, whether he deſerved to
loſe his head or not. Thoſe who are for him, ſay there needs
only to examine the articles of accuſation, the evidences pro-
duced againſt him, and his anſwers, to be convinced that he
was not guilty of high-treaſon. That the conviction of his
accuſers themſelves is a further proof, who perceiving they
could not expect from the lords a ſentence according to their
wiſh, uſed ſo many extraordinary means to compaſs their
ends. First, the charge of the judicial accuſation into a bill
of attainder. Secondly, the tumultuous concourſe of the peo-
ple. Thirdly, the diſcovery made to the houſe of commons
of the pretended conſpiracy, preciſely at this juncture, though

[r] To the earl of Arundel, the lord privy-ſeal, and two other lords. Ruſhworth, tom. iv. p. 262. tom. viii. p. 755. Nalſon ſays, that it was to the lord privy-ſeal, the lord chamberlain, the lord ſteward, or any two of them. Tom. ii. p. 195.

[s] Notwithſtanding his letter to the king, which his majeſty ſent ſecretary Carleton to the earl, to acquaint him with what was done, and the motives of it, the earl ſeriouſly aſked the ſecretary, whether his majeſty had paſſed the bill or not? As not believing, without ſome aſtoniſhment, that the king would have done it. And being again aſſured that it was paſt, he roſe from his chair, lift up his eyes to heaven, laid his hand on his heart, and ſaid, "Put not your truſt in princes, "nor in the ſons of men, for in them "there is no ſalvation." Whitelock, p. 46. The ſame author adds, it was reported, that in order to bring the king to ſign the bill, he was promiſed, the earl's life ſhould be ſpared.

Charles I. it had been long neglected[t]. In the fourth place, the pro-
1641. teſtation, the ſole deſign whereof was to terrify the people, and incenſe them againſt the king and his party. Laſtly, the violence uſed to the lords, to extort their conſent to the bill, and which obliged many to abſent themſelves, to avoid being expoſed to the fury of the people. It is pretended, all this ſhows that the commons themſelves did not believe him guilty, ſince they uſed ſo many artifices to take away his life.

They who are againſt him, ſay, it cannot be denied, that the king had formed a deſign to eſtabliſh an arbitrary government, and aſſumed to himſelf a power contrary to law. That he had made choice of ſuch miniſters and counſellors as he thought moſt proper to ſerve him in the execution of his deſign. That from the king's council had proceeded all the oppreſſions ſo long complained of by the people, and conſequently the king's miniſters and counſellors could not be innocent, unleſs theſe oppreſſions, which were as clear as the ſun, were denied. That the earl of Strafford was univerſally known to be the chief of theſe miniſters, and the perſon in whom the king moſt confided, and to hold the firſt place in the ſecret council, called the Junto, conſiſting of four or five perſons only, where all the reſolutions were taken for the oppreſſion of the ſubjects. That he could not be ſuppoſed to be againſt all theſe reſolutions, ſince his arriving to ſo high a degree of favour was entirely owing to his attachment to the king's will. That it was no leſs evident, that in his three great poſts of privy-counſellor, preſident of the North, and lord deputy of Ireland, he had always carried himſelf agreeable to the king's principles and maxims, though he knew that theſe principles were contrary to the law. That all his endeavours tended to increaſe the king's revenues, and extend his prerogative by all methods, even the moſt irregular. That England, in obedience to the king's orders, does not excuſe the miniſters in illegal proceedings. That therefore it muſt either be denied, that the king ever did any thing contrary to law, or be confeſſed, that his miniſters, and eſpecially the chief, were not innocent of theſe violations. That the ſtreſs of the commons accuſation did not lie ſo much upon each particular article, as upon all together, to ſhow that the earl of Strafford really intended to eſtabliſh an arbitrary government. That every article was a proof of this intention, and it was a diviſion to repreſent them as being each ſingly a ſeparate charge of ſome particular crime. That this intention, joined to the manner of exerciſing the power given him by

[t] From the middle of April, till May 3. See Clarendon, tom. i. p. 156.

the

the king, was an unpardonable crime, since it tended to subvert all the laws, and alter the constitution. That it was not the same with the intention of subverting the laws, as with the intention of committing any other offence, even treason itself. That these when committed, may be punished by the laws: but if the intention of subverting the laws be not punishable till put in execution, there is no remedy; abolished laws not being of any use. That upon these grounds, parliaments had at all times punished several ministers for the same reason. In short, that an example being necessary to deter ministers for the future from devoting themselves so entirely to the king's will to oppress the subject, there could not be a fitter for that purpose than the earl of Strafford, whose power had made every one tremble, and who besides was the object of the public hatred; the whole nation considering him as the chief author of their miseries. Charles I. 1641.

I shall add here, to finish what relates to the earl of Strafford, that not long after his death, this same parliament passed an act for restoring his children in blood and honour, and for settling his estate upon his heirs [b], and that the act of attainder was repealed in the reign of Charles II. I do not believe that ever any English subject has had so many praises bestowed on him as the earl of Strafford. Several, in speaking of him, have not been able to forbear adding always to his name some honourable epithet, to show their esteem for him. In a word, he is represented as one of the greatest men, one of the most accomplished ministers England ever produced. I do not pretend by any means to question his natural or acquired abilities. But I own, when I consider his life and actions, I do not see what can serve for foundation to such exalted encomiums. In the first place, after he was in favour, the king had no quarrel with any foreign state; so, he had no opportunity to display his talents in negotiations and embassies. As to war, he was employed but once, in the late war with Scotland, in quality of lieutenant-general, commanding the army in the absence of the general. On this occasion he may be said to commit a very great error, in not being ready to oppose the Scots passage of the Tine, and in suffering them to take Newcastle, if perhaps it was not designedly done, to engage inevitably the two nations in a war, which certainly can be matter of no great commendation. It must therefore be owned, that his talents were confined to the dis-

[b] The bill was brought in June the 12th this year. Rushworth, tom. iv. p. 284.

charge

Charles I. 1641.

charge of his poſts or employments. As to that I find he was accuſed of having prevaricated, and entirely devoted himſelf to accompliſh the king's deſign of ſetting up an arbitrary government. Suppoſe this were a ſlander, and he had never any ſuch thought, I do not ſee, however, that his innocence can be matter of praiſe to him, any more than to many others who had been in the ſame poſts before him. What then did he perform in the adminiſtration of his offices, to deſerve the character of an accompliſhed miniſter, and the name of a great man, which is generally given him? If it is ſaid, that he made uſe of his great talents to ſerve the king faithfully, and promote his deſigns, which doubtleſs is the ſole foundation of the encomiums beſtowed on him, it is to be feared, many will not allow that he ought to have ſerved the king in that manner, or that he did him any real ſervice, as the event has ſhown. The great praiſes therefore given to the earl of Strafford, muſt be conſidered only as a ſenſible proof of the principles of his panegyriſts, who perhaps are very ſorry he ſucceeded no better.

The king tries in vain to pacify the commons. Clarendon, t. i. p. 166, 167, 169. Whitelock, p. 46.

The death of the earl of Strafford was a great, though not the only mortification to the king. After the commons had made this tryal of their ſtrength, they reſolved to compleat the reformation of the government, which till now was but commenced. The king, on his part, endeavoured, though in vain, to cool the great ardour of the commons, by granting or promiſing places to ſuch as were moſt agreeable to them. He had made ſir Edward Litleton lord-keeper, in the room of the lord Finch, who was forced to fly. For the ſame reaſon, Dr. Juxon biſhop of London, reſigned his treaſurer's ſtaff, which was to be given to the earl of Bedford. But the earl died, whilſt he was earneſtly labouring to procure an agreement between the king and the commons. Oliver St. John, a leading man in the houſe of commons, had been made ſolicitor-general. The lord Cottington was to ſurrender the office of chancellor of the Exchequer in favour of Mr. Pym, and the place of maſter of the Wards in favour of the lord Say. The office of ſecretary of ſtate, exerciſed by Windebank, was deſigned for Denzil Hollis. The earl of Eſſex, the lord Kimbolton, and Mr. Hampden, were likewiſe to have places *. But the earl of Bedford's death put an end to moſt of theſe projects. The king ceaſed not, however, after the death of the earl of Strafford, to gratify the com-

* The earl of Eſſex was to be lord-chamberlain, the lord Kimbolton privy-ſeal, Mr. Hampden chancellor of the Exchequer, Mr. Pym maſter of the Wards, and Mr. Hollis ſecretary of ſtate. Heylin's Obſervations, p. 426. Clarendon, tom. i. p. 200.

mons,

mons, by making the earl of Eſſex lord chamberlain, having firſt removed the earl of Pembroke; for the earl of Eſſex was a great favourite of the commons. But all this produced not the great alterations expected by the king. The wound was too deep to be cured by ſuch lenities. Charles I. 1641.

The general aim of the parliament was not only to redreſs paſt grievances, but alſo to free the kingdom from the fear of being expoſed hereafter to the like calamities. The king, on the contrary, imagined, that by giving or promiſing good places to the leaders of the oppoſite party, he ſhould ſtop their mouths, and render them dumb dogs. But they were too wiſe to fall into the ſnare. They were very ſenſible, theſe places which the king gave or offered to give them, would be always at his diſpoſal, and that when the motive of of his giving them ſhould ceaſe, it would be always in his power to turn them out. Beſides, many of them were too conſcientious to ſacrifice the good of their country to their private intereſt. This diſpoſition of the leaders manifeſtly appeared, in that the king's favours were not able to cauſe them to relinquiſh their project, ſo great was their diſtruſt of him. They could not believe that a prince, who had ſo openly diſcovered an intention to eſtabliſh an arbitrary government, had ſuddenly changed his principles and maxims. Nay, what he did in their favour, convinced them of the neceſſity of firmly adhering to their project, plainly perceiving his aim was to divide them. The parliament's aim. The parliament's great diſtruſt with reſpect to the king.

This project conſiſted, as I ſaid, firſt, in redreſſing all the grievances: Secondly, in taking meaſures to prevent the king from returning to his former courſes. This they laboured with great diligence, after the earl of Strafford's death. Hitherto, they had only prepared matters by votes, expreſſive of their deſign, and by the proteſtation ſubſcribed by both houſes. But they expected to meet in the houſe of peers, with obſtacles ſo much the greater, as the king had there a ſtrong party.

The houſe of peers conſiſted of one hundred and twenty lords, the two archbiſhops, and twenty-four biſhops. Among the firſt, the two princes Charles and James, the duke of Buckingham, and ſeven or eight others, were yet minors; and there were ſome, whoſe age, or infirmities, or affairs, hindered them from being preſent in the parliament. The archbiſhop of Canterbury, the lord Finch, the earl of Strafford, were no longer there at the time I am ſpeaking of; ſo that the biſhops would have made a fifth part of the houſe, had it been complete. But as, according to the lord Clarendon, Obſervation on the houſe of peers. t. i. p. 201.

Charles I. 1641.

don; there were not above fourſcore peers at the earl of Straf-ford's tryal, a third part may be reckoned abſent; and as, on the other hand, there were vacant ſees, the biſhops and popiſh lords may, without a very wrong calculation, be counted about a quarter part of the upper-houſe. As they were all devoted to the king, it is eaſy to perceive, they rendered the king's party very powerful among the lords. Accordingly, this was the reaſon which obliged the commons to uſe their utmoſt endeavours to take away their votes in parliament. Moſt of them had now made themſelves odious, by promoting the king's deſigns with all their power, and perſecuting the puritans, and they ſtill continued to obſtruct the deſign of redreſſing the grievances, by the number of their voices in the houſe of peers.

Political reaſons for the excluſion of the biſhops.

This was the reaſon made uſe of by the leading preſbyterians, who had more ſecret and extenſive deſigns, to induce ſuch members of the church of England as were againſt the king, to ſacrifice the biſhops privilege of ſitting in parliament. They intimated to them, that whilſt the king had ſo many votes in the upper-houſe, it would be almoſt impoſſible effectually to labour the redreſs of grievances. That after all, to deprive the biſhops of this privilege, would, inſtead of being detrimental, be rather advantagious to religion, ſince they would thereby be more attached to their ſpiritual functions. That it would be no leſs beneficial to the ſtate, ſince the king would be deprived of a means he had always uſed with ſucceſs, to break the parliament's meaſures.

Differences between the puritans.

The oppoſite party to the king in the parliament, conſiſted indeed of puritans, but there were two ſorts, as I obſerved. Some were true preſbyterians. Others were ſtate puritans, that is, perſons whom the court had always conſidered as puritans; not that they were enemies to the church of England, but becauſe their maxims concerning civil government were thought to be founded upon puritan principles. Theſe two ſorts of puritans had been equally oppreſſed the firſt fifteen years of this reign, as well by the court as by the clergy, ſo that the hierarchy was become very odious to the one, and very ſuſpicious to the other. The true preſbyterians earneſtly deſired the utter extirpation of epiſcopacy. The other puritans were extremely incenſed againſt the biſhops and the reſt of the clergy, who had always ſupported and countenanced the king's deſigns. Wherefore they were eaſily perſuaded, that it would be a great ſervice to the ſtate, to clip the wings of the clergy, to the end they might be leſs uſeful to the king. Beſides, though church of England men, they

they were not of the opinion of those who believed that religion could not subsist without bishops, and that episcopacy was so closely united with the monarchy, that the one could not be abolished without the destruction of the other. So far was the hierarchy from giving them any uneasiness, that they would have been very glad to preserve it, provided the clergy could have been confined to their spiritual functions. But they were grieved to see the clergy invested with a secular power, which they abused. It must be further added, that being thus disposed, they saw the presbyterians, who were numerous in the kingdom, and supported by the Scots, strenuously insist upon taking away the bishops votes in the house of lords. It was dangerous to displease them, for a very strong reason, though the presbyterians affected to speak of the state only, it was well known, that religion was the principal thing they had in view, and that their transactions concerning the civil government, tended only to disable the king from oppressing them, if he remained too powerful. Had the king therefore tried to gain the presbyterians, by offering them reasonable terms, they might have accepted them, and relinquished the design of reforming the civil government, and then the state-puritans would have been at the king's mercy. Union between the puritans was therefore absolutely necessary. For, it was no less dangerous for the presbyterians, that the king should content the state-puritans, in which case they would have infallibly abandoned the presbyterians. Charles I. 1641.

Both these parties therefore stood in great need of each other, and it was their interest to support one another, for fear the king should take advantage of their division. But he could never resolve either to grant any terms to the presbyterian party, or to satisfy the politicians. He thereby formed himself so strict an union between these two parties, that they became one and the same. The politicians chose rather, out of condescension to the Presbyterians, to sacrifice the bishops privilege, than be exposed to the danger of seeing themselves again subject to an arbitrary government. The king helps to unite the Puritans.

According to these dispositions, and the consequent resolutions, the house of commons equally laboured the redress of grievances, and the execution of the design against the bishops. Thus the affairs of church and state went hand in hand, so that scarce a day passed, but the commons gave the king some mortification, one while by passing bills or votes against the king's former proceedings, another while by prosecuting the authors of the grievances or innovations; sometimes by exclaiming The commons labour to exclude the bishops, and redress grievances.

Charles I. 1641. claiming againſt the forementioned conſpiracy, and ſometimes by increaſing the yoke of the papiſts.

All this tended to the end propoſed by the oppoſite party to the king. It was ſuppoſed as a thing publicly known, that there had been a ſettled deſign to introduce popery, and that ſome of the biſhops were concerned in the plot. Thus, by accuſing the papiſts of having ill deſigns, and by rigorouſly proſecuting them, this accuſation was made, in ſome meaſure, to reflect on the biſhops and clergy. It was pretended, that the innovations introduced into the divine ſervice, were a conſequence of this deſign, and for that reaſon, by condemning them, the clergy, who had countenanced them, were rendered odious to the people. The accuſations againſt particular perſons, who had been moſt zealous to ſupport theſe innovations, produced alſo the ſame effect. In ſhort, nothing was omitted that could contribute to ſhow the people the neceſſity of reſtoring the government to its natural ſtate, and convince them, that the eccleſiaſtical hierarchy was more prejudicial than neceſſary to the church and ſtate. With theſe two things the commons were taken up for the ſpace of three months, from the death of the earl of Strafford, to the king's journey to Scotland.

Ruſhworth, iv. p. 283, 284, 206.

First, with reſpect to the ſtate, in this interval it was, that bills were brought in to aboliſh the ſtar-chamber and court of York, to regulate the council-table, to aboliſh ſhip-money, and prevent vexatious proceedings concerning knighthood, againſt illegal impriſonments, and for aſcertaining the bounds and limits of foreſts. Each judge in particular was accuſed. The tax impoſed by the king on the ſhires, for the wages of the muſter-maſter, was declared contrary to law. The conſpiracy to ſeduce the army was likewiſe examined, and Wilmot, Aſhburnham, and Pollard, were expelled the houſe, and committed to priſon. All the patents for monopolies, of which moſt were ſuppreſſed, were brought before the houſe. It was alſo examined, by what means a certain clauſe had been inſerted in the petition of right, concerning tunnage and poundage, and care was taken to regiſter a declaration on that head, to hinder poſterity from being deceived by that ſurreptitious clauſe. I paſs over in ſilence ſeveral votes flowing from all theſe articles, or which concerned particular perſons.

Nalſon, t. ii. p. 288.

Proceedings of the commons as to religion.

As to religion, beſides what was done with reſpect to the papiſts, and of which I have already ſpoken, the commons declared illegal the oath by which miniſters were bound to main-

maintain the hierarchy in the church. A bill was brought in againſt pluraliſts. The canons made by the late convocation were condemned. A bill was paſſed to aboliſh the high-commiſſion. The ſuppreſſion of deans and chapters was voted. Matthew Wren biſhop of Ely was impeached. The proteſtation was ordered to be ſubſcribed by the whole nation. An accuſation was brought to the lords againſt thirteen biſhops, who had aſſiſted at the convocation. Charles I. 1641.

Ruſhworth, iv. p. 278, 279, 281, 283, 285, 303, 359, &c. Nalſon, T. H. p. 257, 260, 282, 395, 418.

I have but juſt mentioned theſe articles, becauſe a particular account of each ſeemed to me needleſs. I ſhall only add, that there was ſome difference between the two houſes concerning the proteſtation. The lords would have left every man at liberty to ſign it; but did not think proper to uſe compulſion. The commons, on the contrary, looked upon the proteſtation as a Shiboleth, to diſtinguiſh the Ephraimites, and at laſt the lords agreed to what the commons deſired.

Difference between the two houſes about the proteſtation. Ruſhworth, iv. p. 357, 358.

One of the articles of the proteſtation occaſioning ſome diſputes, the commons explained more fully that article, which was thus worded: "I ſwear to defend the true reformed proteſtant religion, expreſſed in the doctrine of the church of England, againſt all popery and popiſh innovations within this realm, contrary to the ſame doctrine." Some perſons inſiſting upon the firſt part of this clauſe, pretended, that there was no other doctrine of the church of England than what is contained in the thirty-nine articles drawn up in the reign of Elizabeth, of which one is "to preſerve the government of the church by archbiſhops, biſhops, deans, &c." Hence they inferred, that thoſe who ſhould take the proteſtation were bound to maintain epiſcopacy. But the commons conſidering the whole clauſe as expreſſed in the proteſtation, declared, "That by theſe words was, and is meant, only "the public doctrine profeſſed in the ſaid church, ſo far as it "is oppoſite to popery and popiſh innovations; and that "the ſaid words are not to be extended to the maintaining "of any form of worſhip, diſcipline or government, nor of "any rites or ceremonies of the ſaid church of England." This clearly ſhowed what was their intention with regard to the hierarchy.

The commons explain a clauſe in the proteſtation. Nalſon, Ruſhworth, iv. p. 273. t. ii. p. 241. Clarendon, t. i. p. 199. Diurn. Occur. p. 101.

There was alſo another diſpute between the two houſes concerning the ſtar-chamber. The lords were willing to agree, it ſhould be reformed, but refuſed to conſent to its

Another difference concerning the ſtar-chamber. Ruſhworth, iv. p. 306.

[y] They declared, That whoſoever ſhould not take the proteſtation was unfit to bear office in church or commonwealth; and ordered this vote to be printed, and ſent down to every county, city, and Borough. Ruſhworth, t. iv. p. 357.

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Charles I. 1641. abolition. Mean while, the commons vigorously supporting the bill, they had sent up to the peers, it passed at last, and the king gave his assent the 5th of July.

In this same interval, I mean, from the death of the earl of Strafford, to the king's journey to Scotland, there were some other transactions which it is necessary to mention.

The customers offer 150000 l. which is accepted. Rushworth, iv. p. 277, 378.

The customers, who had collected the duties imposed on merchandises by the king's sole authority without consent of parliament, finding they were like to be attacked, offered of their own accord one hundred and fifty thousand pounds for an act of oblivion, and their offer was accepted [z].

The lord Digby is called to the house of peers. Rushworth, iv. p. 283.

The lord Digby, son of the earl of Bristol, and member of the house of commons, was called by writ to the house of lords the 10th of June [a]. In the beginning of this parliament, he had distinguished himself by his zeal for the redress of grievances: but his speech against the bill of attainder of the earl of Strafford, made him forfeit the good will of the commons. Whether he was already gained by the king, or on this occasion first joined his party, his majesty thought proper to screen him from the resentment of the commons, by calling him to the house of peers. He will hereafter appear the king's chief minister and counsellor, great enemy to the commons, as they on their part never forgave his defection.

The king has a mind to give Spain part of the Irish army. Rushworth, iv. p. 357, 360, 381. Nalson, t. ii. p. 411, 426, 465.

The Irish army ought to have been long since disbanded, as there was no occasion to keep it on foot, and the commons had frequently desired it of the king. Nevertheless, this army subsisted the last, though the commons had taken care for their payment. When they came to be disbanded, the king acquainted both houses, that the Spaniard having desired to take this army into his service, and intimated the same by his ambassador, he had promised to send him four thousand men. The lords made no scruple to agree to the king's engagement. But the commons, ever full of fears and suspicions, thought not proper, that the king should keep these troops in the king of Spain's name, who would make them serve in the Low Countries, from whence the king might draw them

The commons are against it. Rushworth. iv. p. 381.

[z] This petition was delivered to the house by the great farmers of tunnage and poundage, namely, sir Paul Pindar, sir Abraham Daws, sir John Worstenholm, and sir John Jacob. The petty customers had the liberty likewise to come in upon composition, and then have the benefit of the Act of Oblivion. Nalson, tom. ii. p. 256.

[a] The king called the lord Digby to the house of lords, at the time the commons expelled him their house. His writ was dated the 9th, and he was voted out of the house the 10th. Upon his coming to the house of lords, he was added to all the standing committees. Nalson, tom. ii. p. 275.

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whenever he pleaſed. Beſides, the French ambaſſador had deſired the reſt of the army for his maſter, to which the king had alſo conſented. They thought it was an artifice of the king's, to keep this popiſh army which was devoted to him, and on which he could much better rely than on that of England. Wherefore they prayed the king to call in his word. They had on this occaſion ſeveral conferences with the lords, where they alledged ſundry reaſons to ſupport their opinion, without expreſſing the true one: but it was eaſily perceived. The king was much diſpleaſed with the commons oppoſition, whether he thought himſelf bound in honour to keep his promiſe, or really intended to preſerve his army by lending it to the kings of France and Spain, in order to uſe it himſelf in caſe of neceſſity. What gives cauſe to ſuſpect he had formed ſuch a project is, that it does not appear the kings of France and Spain had then any great occaſion for theſe troops. Be this as it will, the king, without regarding the commons oppoſition, ſhowed that his intention was to perform his promiſe, and the affair was not yet ended when the king departed for Scotland. Some time after he ſent a meſſage to the lords dated from Edinburgh, wherein he appeared reſolved to ſtand to his engagement, let what would be the conſequence. But the two houſes found means to render his reſolution ineffectual, by publiſhing an ordinance, declaring that whoever ſhould aſſiſt in tranſporting the Iriſh troops into any foreign country, ſhould be deemed an enemy to the ſtate. This ordinance broke all the king's meaſures, not one owner of ſhips being willing to hazard inevitable ruin for his ſake.

Charles I. 1641.

The king will ſtand to his word. Nalſon, tom. ii. p. 457. Ruſhworth, tom. iv. p. 381.

Ordinance againſt tranſporting forces into foreign parts Sept. 9. Nalſon, tom. ii. p. 477—481

The king, as I ſaid, expected that the parliament would grant him an aid capable of enabling him to drive the Scots out of the kingdom. He quickly found his miſtake, and clearly perceived that the Scots were come into England at the ſollicitation of the Engliſh malecontents, and that theſe malecontents were the very perſons who had moſt credit and authority in the two houſes. He judged therefore, that inſtead of thinking any longer of expelling the Scots by arms, he ſhould rather endeavour to agree with them, in order to diſjoin their intereſt from that of the Engliſh, and induce them to diſband their army, which was always ready to ſupport the parliament. When therefore the commiſſioners of the two kingdoms met at London, to continue the treaty of Ripon, they found no reſiſtance from the king, who by granting the Scots firſt demand, plainly ſhewed he was diſpoſed to refuſe them nothing. This demand was, that the king ſhould cauſe to be publiſhed in his name the acts of the parliament

The king reſolves to grant every thing to the Scots.

His reaſons for ſo doing.

Ruſhworth, tom. iv. p. 364.

Charles I. 1641.

of Scotland, as well thoſe which were already paſſed in the firſt ſeſſion, as thoſe which ſhould be paſſed in the ſecond. So great a condeſcenſion on this article, which had been properly the cauſe of the ſecond war, convinced the commons that the king's aim was ſpeedily to get rid of the Scotiſh army, which to him was an incumbrance, but to them was very neceſſary for the execution of their projects: and therefore as the Scotch commiſſioners had a good underſtanding with the commons, they ſo managed that the negotiation of peace was prolonged to the 7th of Auguſt 1641, though the king, by granting whatever was required, removed all difficulties as far as lay in his power.

The king promiſes to go into Scotland.

At laſt, the negotiation being about to end, and nothing more wanting to conclude the treaty but to agree upon ſome articles of little importance, the king permitted the parliament of Scotland to meet, and promiſed to be there in perſon, to paſs ſuch acts as ſhould be judged requiſite. The commons having knowledge of the king's reſolution, entertained ſome ſuſpicion of this journey, and were apprehenſive that the king's deſign was to put himſelf at the head of his army in the north under colour of going to Scotland. They deſired therefore a conference with the lords, and moved that the armies might be diſbanded before the king's departure, and that both houſes ſhould preſent a petition to the king, to pray him to defer his journey. They ſupported their motion with ſeveral arguments, and amongſt others with this, that it was neceſſary to prevent the ſuſpicions of the people, and the deſigns ſome might have, to make uſe of the army to raiſe diſturbances in the kingdom: that beſides, ſeveral bills were ſent up to the lords and not yet paſſed; that others were now under conſideration in the lower houſe, and it was neceſſary the king ſhould give his aſſent to them before his departure [b]. In ſhort, after divers conferences, it was reſolved, with the king's conſent, that he ſhould defer his journey till the 10th of Auguſt, and that the two armies ſhould be diſbanded by that time [c]. Nevertheleſs, as the Engliſh army could not be entirely

The commons are jealous of this journey.

They move to have the king defer his journey. Ruſhworth, tom. iv. p. 361. Nalſon, tom. ii. p. 120. Diurn. Occ. p. 329.

Ruſhworth, tom. iv. p. 375. Nalſon, tom. ii. p. 430, 435, 439.

[b] There were four reaſons delivered to Mr. Hollis, to move the king to ſtay his journey into Scotland. The third of which is that referred to here by our author, namely, "The diſtempers "and jealouſies of the kingdom are "ſuch, that they cannot be compoſed "by paſſing ſome acts, unleſs his ma"jeſty ſtay the deſired time." Which words do not ſeem to imply ſo much as our author expreſſes. Ruſhworth, tom. iv. p. 361. — Beſides this, the commons moved, that the king might be deſired to appoint a cuſtos regni, becauſe many emergent occaſions might happen in parliament, where uſe muſt be made of the king's authority. Ibid. p. 360.

[c] They were both diſbanded together, Auguſt 6. Whitelock, p. 47.

The

tirely disbanded before the king's departure, for want of money, the commons desired a further delay of a fortnight, alledging still the people's jealousies: but the lords refused to concur with them, and the king departed the 10th of August, as had been agreed [d]. Charles I. 1641.

The king sets out for Scotland.

The commons distrust of the king still subsisting, they desired the concurrence of the peers, that a committee of lords and commoners might be sent to the parliament of Scotland, to remain there, and inform them from time to time of their proceedings, to which the lords consented. The persons named to go commissioners into Scotland were the earl of Bedford, the lord Howard of Escrick, Nathaniel Fiennes, sir William Armyne, sir Philip Stapleton, and John Hampden; and a draught of a commission was sent by an express to the king to sign. But the king refused it, because he saw no necessity for such a commission: he consented however, that the committee should come and attend him in Scotland, to see the ratification of the treaty. As the committee were properly designed only for spies upon the king's actions, both houses thought fit to send them into Scotland, on some other pretence. But the earl of Bedford did not go on this service.

The parliament sends a committee to Scotland to watch the king. Id. p. 451, 455. Rushworth, tom. iv. p. 375. Diurn. Occ. Clarendon, tom. i. p. 220, 235. Rushworth, Ib. p. 376.

Some days after, the house of commons came to several resolutions against the monopoly of soap, which was declared illegal. Moreover they voted, that the sentence in the star-chamber against certain soap-boilers of London should be reversed, and the judges of that court, who had given their votes in the sentence, should pay the parties costs and damages. It was ordered also, that inquiry should be made what members of the privy council had given their consent to the illegal orders made at the council-table, about the soap-monopoly.

Votes against the monopoly of soap. Id. p. 377, 378. Nalson, tom. ii. p. 449.

As the commons had undertaken to redress all grievances, that of the city of London concerning the plantation of Londonderry was likewise considered, whilst the king was in Scotland. The house passed several votes upon that subject, and declaring illegal all the proceedings of the star-chamber, reversed the sentence against the city of London, as unjust, and given by incompetent judges. They declared, that when the king should be pleased to repay to the city the money he

Votes about the plantation of Londonderry. Aug. 26. Nalson, tom. ii. p. 461. Rushworth, tom. iv. p. 379.

The coming of the Scots into England, cost the nation 1,100,000 l. besides damages. Rushworth, tom. iv. p. 360.

[d] And came to Scotland August 14. Guthry's Mem. p. 81. Before his departure, he passed several bills, particularly one for the judges holding their places during life, which was before during pleasure. Diurn. Occur.

Charles I. had received, the patent thereupon granted ſhould be cancelled or ſurrendered.

1641.

Reſolve of both houſes to adjourn for ſome time. Ruſhworth, tom. iv. p. 385, 388. Nalſon, tom. ii. p. 463.

After that, both houſes reſolved to adjourn from the 9th of September to the 20th of October, that the members might go to their homes, from whence they had been abſent ten months. As ſoon as this reſolution was taken, a great number of both houſes retired into the country, to gain a little more time to repoſe themſelves, ſo that there remained but twenty-two lords in the upper, and a hundred and fifteen members in the lower houſe. Then ſome one, who was doubtleſs preſbyterian, willing to improve ſo favourable an opportunity, moved, that it was neceſſary to make ſome alterations in the Common Prayer Book. This motion occaſioned a very warm debate. Mr. Hyde, afterwards earl of Clarendon, ſtrenuouſly defended the Liturgy, ſo that, contrary to the expectation of the perſon who had raiſed the debate, nothing was reſolved.

Debate about the Liturgy. Ruſhworth, tom. iv. p. 385. Nalſon, tom. ii. p. 481.

But ſome days after, the affair of innovation in the church was debated, and the houſe paſſed ſeveral votes, declaring that certain innovations ought to be aboliſhed. At the ſame time, the lords, ſeeing that in the lower houſe the authenticneſs of the Common Prayer Book was queſtioned, voted that it ſhould be obſerved as before in all the churches, without any omiſſion or alteration. This begot a conference between both houſes, wherein the commons deſired the lords to conſent to the following declaration, and join with them in the publication thereof.

Votes againſt innovations. Ruſhworth, iv. p. 385. Votes of the lords about the Liturgy. Nalſon, tom. ii. p. 483.

## Declaration of September 8, 1641.

The commons declaration concerning innovations. Ruſhworth, tom. iv. p. 386. Nalſon, tom. ii. p. 482. Diurn. Occ.

"WHEREAS divers innovations in or about the worſhip of God, have been lately practiſed in this kingdom, by enjoining ſome things, and prohibiting others, without warrant of law, to the great grievance and diſcontent of his majeſty's ſubjects. For the ſuppreſſion of ſuch innovations, and for preſervation of the public peace, it is this day ordered by the commons in parliament aſſembled, that the church-wardens of every pariſh church and chapel reſpectively, do forthwith remove the communion-table from the eaſt end of [illegible] church, chapel, or chancel, into ſome other convenient place, and that they take away the rails, and level the chancels as heretofore they were before the late innovations.

"That all cruciſixes, ſcandalous pictures of any one or more perſons of the Trinity, and all images of the Virgin Mary,

" Mary, ſhall be taken away and aboliſhed; and that all Charles I.
" tapers, candleſticks, and baſons, be removed from the 1641.
" communion-table.

" That all corporal bowing at the name Jeſus, towards
" the eaſt end of the church, chapel, or chancel, or towards
" the communion-table, be henceforth forborn.

" That the orders aforeſaid be obſerved in all the ſeve-
" ral cathedral churches of this kingdom, and all the colle-
" giate churches or chapels in the two univerſities, or any
" other part of the kingdom; and in the Temple-church,
" and the chapels of the other inns of court, by the deans
" of the ſaid cathedral churches, by the vice-chancellor of
" the ſaid univerſities, and by the heads and governors of the
" ſeveral colleges and halls aforeſaid, and by the benchers
" and readers in the ſaid inns of court reſpectively.

" That the Lord's day ſhall be duly obſerved and ſanctifi-
" ed: all dancing, or other ſports, either before or after di-
" vine ſervice, be forborn and reſtrained; and that the
" preaching of God's word be permitted in the afternoon
" in the ſeveral churches and chapels of this kingdom, and
" that miniſters and preachers be encouraged thereunto.

" That in caſe theſe orders be not obſerved, complaints
" thereof ſhall be delivered in parliament before the 30th of
" October next."

The lords regarded not the deſire of the commons; but on the morrow, September the 9th, the day appointed for the adjournment, they communicated to the commons, in a conference, an order dated January the 16th, 1640-1, enjoining that divine ſervice ſhould be performed without any alteration, as appointed by acts of parliament; and a confirmation of the ſame order, purſuant to a reſolution taken on the preſent 9th of September, deſiring the commons to concur with them in the publiſhing thereof.

The lords renew their order of the 16th of Jan. concerning divine ſervice. Ruſhworth, tom. iv. P. 387.

The commons abſolutely refuſed to join in the publication of this order, thinking it unſeaſonable at ſuch a juncture to preſs the rigorous obſervance of the laws concerning divine ſervice, when a great part of the people called for a reformation. Beſides, they knew this laſt order, which confirmed that of the 16th of January, was made when there were but twenty lords in the houſe, and by a majority of two voices only, eleven againſt nine. Then they drew up a declaration, inſerting that of the day before, to which the lords had returned no anſwer, with the order of the peers of the 16th of January, and the confirmation of the ſame order of the Septemb. 9.

The commons refuſe their concurrence. Ibid.

Declaration of the commons without the lords concurrence.

Charles I. 1641. the 9th of September, with the refusal of the commons to concur with them, and ordered that their declaration should be printed and published.

Remarks on these differences.

I imagine it will not be amiss to remark concerning this dissention between the two houses, first, that passion reigned on both sides, since the time of making these two motions was by no means convenient, there not being above the fifth part of the members present in each house.

Secondly, That there was a great difference in the two points in question, with respect to their importance. One concerned the preservation of the public worship and Book of Common Prayer, appointed by the laws since the reformation, but wherein however many people ardently wished great alterations might be made, nay, desired they might be entirely suppressed, whilst the rest of the nation believed them absolutely necessary. This was a thing of such consequence, that, it seems, nothing ought to have been decided for or against it but upon mature deliberation, and when both houses had their usual number of members. For this reason, if the motion for making alterations in the Liturgy had been approv- in the lower house, doubtless the lords would have justly opposed it, and refused their concurrence. But on the other hand, as the commons had taken no resolution, there does not seem to have been any necessity for the lords to renew their order of the 16 of January, which remained in force, and wanted not that confirmation: nay, it appeared that this order was renewed only out of spleen, because the commons had made a declaration against innovations. Had the lords been satisfied with refusing their consent to the commons declaration of the 8th of September, there would have been nothing to object. But in refusing to return any answer to the commons, and renewing withal their order of the 16th of January, they discovered that they acted out of spleen and revenge, and it was not doubted but the bishops were the chief authors of the renewal of the order.

The second point, which concerned the innovations, was not of the same importance. The question was only to know whether they were really innovations, and if so, whether illegal or dangerous to religion. But this was a thing not to be debated in such a juncture, when both houses were going to be adjourned, and most of the members already retired into the country: so the lords might have refused their consent to the votes of the commons, though it had been only on pretence of the thinness of both houses. But in returning no answer to the commons, they showed in some measure that

they

they approved of these innovations, which had so long been an occasion of complaints and murmurs in the kingdom. Charles I. 1641.

The same day, before the adjournment, the commons appointed a committee of forty-three [e], to take care, during the recess, of the most weighty and urgent affairs. The lords appointed a committee also, consisting but of seven peers, which done, both houses adjourned to the 20th of October. Both houses appoint committees during the recess. Rushworth, tom. iv. p. 387, 388. Nalson, tom. ii. p. 484, 486.

During the recess, the committee, which had followed the king into Scotland, sent word to the committee of the house of commons, that there was a sort of conspiracy in Scotland, and that the aim of the parties concerned seemed to be to interrupt the proceedings of the parliament of that kingdom, and to destroy the marquis of Hamilton, the earl of Argyle, and the earl of Lanerick. As the committee received this notice but two days before the meeting of the parliament, they only ordered the lord mayor of London to place convenient guards in several places of the city, fearing that the conspirators of Scotland might have correspondents in England, to disturb at the same time the peace of the kingdom. Notice of a conspiracy in Scotland. Nalson, tom. ii. p. 488. Rushworth, tom. iv. p. 390, 391. Diurn. Occ.

The parliament being met the 20th of October, Pym made a report to the house of what the committee had done during the recess. Whereupon the commons desired a conference with the lords, where they represented to them: Reports of the committee. Nalson, Ibid.

"1. That a letter from the committee in Scotland gave "ground to think, that when there was a design in Eng- "land to seduce the king's army and interrupt the parlia- "ment, that there was the like design at that time in Scot- "land. Rushworth, tom. iv. p. 390. Conference about the conspiracy in Scotland.

"2. That the principal party named in that design in "Scotland, the lord Crawford, is a person suspected to be "popishly affected; and therefore may have correspondence "with the like party in England.

"3. That it has been lately published in England, that "some things were to be done in Scotland before it broke "out there. Therefore we may suspect some correspondence "here.

Upon these grounds the commons propounded to the lords, that a strong guard should be kept in the cities of London and Westminster, and care taken for the defence of the whole kingdom, and that an express messenger be sent to the committee of both houses in Scotland, to acquaint them that the parliament of Rushworth, tom. iv. p. 390, 391.

[e] Rushworth names forty-seven, tom. iv. p. 386.

Charles I. 1641. England was ready to give the Scots all neceſſary aſſiſtance againſt thoſe who ſhould diſturb the peace.

Id. p. 392. The lords approving of theſe propoſals, inſtructions were ſent to the committee agreeable to the commons deſires.

The parliament deſire a guard of the earl of Eſſex. Ibid. Nalſon, tom. ii. p. 492. p. 186.

The ſame day, the 20th of October, both houſes deſired the earl of Eſſex, whom the king had made general on the ſouth of the Trent, to place a guard at Weſtminſter, for the ſecurity of the parliament, which was accordingly done. This Scotiſh conſpiracy made a great noiſe at that time; but it was not poſſible to diſcover it fully. See what Burnet ſays of it, in his Memoirs of the Duke of Hamilton.

Account of the pretended conſpiracy in Scotland.

"A gentleman, not known to the marquis of Hamilton, brought him and the earl of Argyle the diſcovery of a plot; which, he ſaid, was laid for their lives and the earl of Lanerick's, which he ſaid he could juſtify by one witneſs, who was invited to the execution of it: he told alſo a long formal ſtory of the perſons to be actors, of the time, place, and manner; and ſaid it was to be executed that very night. This the marquis carried to the king, without naming particulars, which could not be done ſafely by the law of Scotland, ſince he had but one witneſs to prove them by. The king deſired him to examine the thing to the bottom, and bring him what further evidence he could find. In the evening other preſumptions were brought to the marquis, but no clear evidence: however, the matter was got abroad, and in every body's mouth, ſo that all who depended on theſe lords came about them in great numbers: and thoſe on whom the deſign was faſtened, gave out it was a forgery to make them odious, and gathered alſo together. The marquis hearing this, did not ſtir out of doors, leſt ſome of their too officious followers ſhould raiſe tumults; and next day, in the evening, he, with the earl of Argyle, and his brother the earl of Lanerick, and half a dozen ſervants, went out of town to his houſe of Keneel, twelve miles from Edinburgh, and ſent his excuſe to his majeſty, with an account of the reaſons. Upon this many diſcourſes went about, people of all ſides paſſing conſtruction as they were affected; but the parliament took the whole matter into conſideration. Thoſe who had given the information, owned what they had ſaid, and thoſe on whom the plot was fixed did as poſitively deny all; ſo that no clear proof being brought, the parliament could come to no other deciſion, but that the lords had good reaſon to withdraw themſelves; and ſo

" ſo they were invited to return into their place in parlia- Charles I.
" ment[f]." 1641.

There is however in the lord Clarendon's Hiſtory, a particular which may give ſome light to this affair. The earl of Montroſe told the king, that the marquis of Hamilton was falſe to him, and even offered to rid him of this ſecret enemy; but the king abhorred the expedient. Perhaps the earl of Montroſe thought he ſhould do the king a pleaſure in having the marquis aſſaſſinated, and mentioning it to ſome perſon, the ſecret was divulged. However this be, the commons of England, it ſeems, were extremely jealous of the king, or at leaſt they did their utmoſt to inſpire the people with diſtruſt: for their fear was grounded but upon very ſlight preſumptions and a bare poſſibility that this pretended plot againſt three Scotch lords could have any influence in England.

Remarks on this conſpiracy. Clarendon, tom. i. p. 326.

The next day, a complaint was made to the commons againſt ſome perſons for not obeying the declaration of the 9th of September, publiſhed by order of the houſe. As the affair was debated with great warmth, ſir Edward Deering made a ſpeech, which I think proper to inſert, to ſhow that it was not without ground that the commons were accuſed of exceeding their power in publiſhing their declaration, without obtaining the concurrence of the lords.

Complaint to the commons concerning the non-obſervance of their declaration. Ruſhworth, tom. iv. p. 393. Diurn. Occ.

" Mr. Speaker,

" IT is very true (as is inſtanced unto you) that your late " order and declaration of the 8th and 9th of September, " are much debated and diſputed abroad; perhaps it may be " a good occaſion for us to re-diſpute them here.

Sir Edward Deering's ſpeech. Ruſhworth, tom. iv. p. 392. Nalſon, tom. ii. p. 610.

" The intent of your order to me ſeems doubtful, and " therefore I am bold, for my own inſtruction, to propound " two queries.

" 1. How far an order of this houſe is binding?

" 2. Whether this particular order be continuant, or ex- " pired?

" Your orders (I am out of doubt) are powerful, if they " be grounded upon the laws of the land: upon that war- " rant we may, by an order, enforce any thing that is un-

[f] Biſhop Guthry ſays, that this was but a pretended plot; and that the deſign of the earls of Argyle, Hamilton, and Lanerick was only to make a public rupture; preſuming that, upon their removal, the parliament ſhould preſently have broken up, which therefore the king took care to prevent it. Memoirs, p. 83.

" doubtedly

Charles I. 1641.

" doubtedly ſo grounded, and by the ſame rule we may ab-
" rogate whatſoever is introduced contrary to the undoubted
" foundation of our laws. But, ſir, this order is of another
" nature, another temper, eſpecially in one part of it, of
" which (in particular) at ſome other time.

" Sir, there want not ſome abroad, men of birth, quality,
" and fortune, ſuch as know the ſtrength of our votes here
" as well as ſome of us (I ſpeak my own infirmities), men
" of the beſt worth, and of good aſſiſtance in us, and no
" way obnoxious to us: they know they ſent us hither as
" their truſtees, to make and unmake laws; they know they
" did not ſend us hither to rule and govern them by arbitrary,
" revokable, and diſputable orders, eſpecially in religion.
" No time is fit for that, and this time as unfit as any: I
" deſire to be inſtructed herein.

" Mr. Speaker, in the ſecond place there is a queſtion,
" whether this order (whereupon the preſent complaint is
" grounded) be permanent and binding, or elſe expired, and
" by ourſelves deſerted? I obſerve, that the order being made
" the 8th of September, in hope then of concurrence therein
" by the lords; that failing, you did iſſue forth your laſt re-
" ſolution by way of declaration, wherein thus you expreſs
" yourſelf: " That it may well be hoped, when both houſes
" ſhall meet again, that the good propoſitions and prepara-
" tions in the houſe of commons, for preventing the like
" grievances, and reforming the diſorders and abuſes in mat-
" ters of religion, may be brought to perfection; wherefore
" you do expect that the commons of this realm do in the
" mean time (what, obey and perform your order made the
" day before? No ſuch thing, but in the mean time) quiet-
" ly attend the reformation intended."

" Theſe are your words, and this my doubt upon
" them, whether by theſe words you have not ſuperſeded
" your own order? Sure I am, the words do bear this
" ſenſe, and good men may think and hope it was your
" meaning.

" My humble motion therefore is this, I beſeech you to
" declare, that upon this our reconvention, your order of
" the 8th of September is out of date; and that the com-
" mons of England muſt (as you ſay) " Quietly attend the
" reformation intended;" which certainly is intended to be
" perfected up into acts of parliament. And in the mean
" time, that they muſt patiently endure the preſent laws, until
" you can make new, or mend the old."

The

The 22d of October, the bill for diſabling perſons in holy orders to exerciſe temporal juriſdiction was again debated, and ſeveral ſpeeches made pro and con. At laſt it was reſolved to proſecute the biſhops who had aſſiſted at the late convocation, and to puſh the bill for excluding the biſhops from their votes in parliament. To that end the houſe deſired a conference with the lords, where Pym and St. John explained the demands of the commons, with the reaſons to ſupport them. Pym ſpoke firſt in this manner: Charles I. 1641.

The commons carry on the bill againſt the biſhops. Ruſhworth tom. iv. p. 394.

" My lords,

" THE parliament, the fountain of juſtice, ought to be preſerved pure from corruption and free from partiality, which will add not only luſtre, reputation, and honour, but authority to what is done in parliament: all men's eſtates and liberties are preſerved under the ſafe-cuſtody of parliament; this moveth us to be careful of any thing that may prejudice the parliament in point of freedom and integrity.

Pym's ſpeech before the lords againſt the biſhops. Ruſhworth, tom. iv. p. 395. Diurn. Occ. p. 388. Nalſon, tom. ii. p. 500.

" Therefore the knights, citizens, and burgeſſes of the houſe of commons have commanded me, with my colleague, to repreſent unto your lordſhips two propoſitions, which they hold of very great importance and neceſſity to be put in execution at this time.

" Firſt that thoſe thirteen biſhops which ſtand accuſed before your lordſhips for making the late Book of Canons, and putting them in execution, may be excluded from their votes in parliament.

Secondly, that all the biſhops may be excluded from having any vote in that act, come from the houſe of commons to your lordſhips, entitled, An Act to take away the Biſhops Votes in Parliament, etc.

" That which concerneth the thirteen biſhops falleth to my charge to open, as I am commanded to tell your lordſhips, that it ſtandeth not with honour and with juſtice, that theſe biſhops ſhould have votes, ſtanding thus charged with the breach of truſt, and of the higheſt truſt, againſt the prerogative of the king, againſt the privilege of the parliament, againſt the property of the ſubject, and againſt the peace of the kingdom: theſe are the jewels that are depoſed under the truſt and ſafeguard of parliament, and all theſe have been broken; and this appeareth by the making of the new Canons, voted by your lordſhips to be againſt all theſe truſts.

Charles I. 1641.

"That these persons have been parties to the breach of "this trust, that will appear by the journals of the convo- "cation, which are now in the country, and may be sent "for; the entry of the book is, that all the thirteen bishops "were parties, and did confirm and subscribe these canons; "therefore it is hoped by these canons, that those that have "assumed to themselves a legislative power, whereby they "have, as much as in them lies, rooted out the foundation "of parliament, that they should have no interest in the le- "gislative power at all in parliament.

"Next, that those that have deprived the subjects of "those good laws that are already made for them, that "they should have no interest or part of making future "laws for the subject; this they conceive standeth with a "great deal of equity and justice, which is one reason to "desire they should be excluded from their votes in parlia- "ment.

"Next is the heinousness of their offence. It is very fit "they should be innocent men, and faithful men, that should "have the exercise of so great a thing as it is; much less "then should they be delinquents of so high a nature, actors "in the subverting of the laws of the realm, that they should "continue their votes and places in parliament: and that "their delinquency may the better appear, you are desired to "read the votes passed in the house of commons (nullo con- "tradicente), and with which the lords have concurred and "agreed."

Then the votes, concerning the making of the said Ca- nons, were read by Mr. Goodwin.

And then Mr. Sollicitor St. John proceeded to this ef- fect:

"That he was in the next place to present some reasons "and precedents concerning the bishops not having their "votes touching the bill, entitled, An Act to take away the "Bishops Votes in Parliament, etc.

"1. Because they have no such inherent right and liberty "of being there, as the lords temporal and peers of the "realm have; for they are not there representative of any "body else; no, not of the clergy; for if so, then the clergy "were twice represented by them, viz. in the lords house, "and in the convocation: for their writ of election is to send "two clerks, ad consentiendum, etc. Besides, none are "there representative of others, but those that have their suf-

"frages

" frages from others; and therefore only the clerks in the convocation do repreſent them. Charles I. 1641.

" 2. They have not the inherent right of peerage as the lords have, becauſe in ſome things they cannot do that there, which the lords may do in caſe of treaſon and matter of blood; upon trial of any peer they have no liberty of vote; which could not be taken away by any canon, if their right of voting there were inherent.

" If they were repreſentative of the clergy, as a third eſtate and degree, no act of parliament could be good if they did wholly diſaſſent; and yet they have diſaſſented, and the law good and in force, as in the act for eſtabliſhing the Book of Common Prayer in queen Elizabeth's time; they did diſaſſent from the confirming of that law, which could not have been good, if they had been a third eſtate and diſaſſented.

" 4. The king may hold his parliament without calling the biſhops at all to it, as hath been adjudged by all the judges of England, 7 Henry VIII. occaſioned by the convocation's citing one Dr Standiſh, for ſpeaking of words againſt their power and privilege as they conceived: in that caſe all the judges of England, in the preſence of the king, declared, that the king might hold his parliament without calling them at all.

" So, 25 Edward I. in reſpect the prelacy would not agree with the reſt of the kingdom in granting a reaſonable and neceſſary aid and ſupply, they were excluded in the parliament at Carliſle: and before that parliament an act paſſed againſt ſeveral oppreſſions of the abbots, priors, and biſhops upon the inferior clergy of the kingdom, by purveyance, and ſetting of high prices, etc. to be collected; and ſix or ſeven acts more, all to this purpoſe, concerning the carriage of the prelates to the inferior clergy; ſo that when themſelves were concerned they were excluded their votes.

" In all theſe records of the matter concerning the clergy the entry is, that the king, habito tractatu, etc. with the earls, the barons, and other the nobles, etc. hath agreed to this act; or, by the aſſent of the earls, barons, and other lay-people; which ſhows that the biſhops did not conſent; for if they had, they ſhould have been firſt named before the earls and barons: for the order of naming the degrees of nobility in all ancient records, is, prelates, earls, and barons.

Charles I. 1641.

" Thus 3 Richard II. there being proviſion the pope " ſhould not make preſentation, etc. it is ſaid, that the pe- " tition of the commons was aſſented unto by the king and " the lords temporal, and was always eſteemed a firm act " of parliament, notwithſtanding the biſhops oppoſed the " ſame."

The biſhops affair remain in ſuſpenſe.

This affair was carried no farther at that time, doubtleſs by reaſon of the obſtacles which occurred in the upper houſe, where the biſhops gave their voices to decide whether they were to vote or not. But it was reſerved for another time [g].

Deſigns of the king's enemies.

The grievances being almoſt redreſſed, the parliament ſeemed to have little more to do. But the diſtruſt with regard to the king being very great, the leaders of the oppoſite party to the king believed, the redreſſing of paſt grievances was not ſufficient; they had a mind alſo to prevent the like for the future, by diſabling the king to abuſe his power. It can hardly be denied that this deſign was founded upon reaſons very plauſible, and apt to gain the conſent of thoſe who had only the welfare of their country in view: for if the king, whilſt he was inveſted with all the prerogatives allowed him by the law, had abuſed his power to eſtabliſh an arbitrary government; if he had purſued the execution of this deſign fifteen years together; if he had deſiſted but by a ſuperior force obliging him to call this parliament, how could it be thought that he would change his principles and maxims, if left in poſſeſſion of the ſame power which had ſerved him to execute his project? Now there were ſcarce any of the members of both houſes, I ſay even of thoſe who were moſt attached to the king, but what were convinced that the conſtitution had been greatly endangered of late years. See what the lord Clarendon ſays on this occaſion, in his Hiſtory of the Civil Wars:

Clarendon, tom. i. p. 53.

" For the better ſupport of theſe extraordinary ways, and " to protect the agents and inſtruments who muſt be em- " ployed in them, and to diſcountenance and ſuppreſs all " bold enquiries and oppoſers, the council-table and ſtar- " chamber enlarge their juriſdictions to a vaſt extent. The " council-table by proclamations, enjoining the people what " was not enjoined by the law, and prohibiting that which

[g] July 9, it was propoſed by ſome of the commons, that the biſhops lands might be put into the hands of feoffees, nine of the laity and three of the clergy in every diocele; and the reſt of the lands belonging to deans, etc. to be employed for the advancement of learning, and the biſhops to have a liberal allowance during life. Ruſhworth, tom. iv. p. 348.

" was

" was not prohibited; and the ſtar-chamber cenſuring the Charles I.
" breach and diſobedience to thoſe proclamations by very 1641.
" great fines and impriſonment; ſo that any diſreſpect to any
" acts of ſtate, or to the perſons of ſtateſmen, was in no
" time more penal; and thoſe foundations of right, by
" which men valued their ſecurity, to the apprehenſion and
" underſtanding of wiſe men, never more in danger to be
" deſtroyed."

If the perſons moſt devoted to the king, as was the earl of Clarendon, had ſuch ſentiments, we may eaſily judge what others thought, and whether they had reaſon to believe that the redreſs of paſt grievances was a ſufficient ſecurity for the time to come.

But, on the other hand, it cannot be denied, that there were in the parliament, men who were brooding ſecret deſigns againſt the government of the church, and that theſe men thought the diminution of the regal power was abſolutely neceſſary to the execution of their deſigns, knowing the king would ever oppoſe them, as long as he was cloathed with his uſual authority. But it cannot be inferred from their uſing the forementioned reaſons to inflame the parliament's diſtruſt of the king for a private end of their own, that therefore theſe reaſons were bad. On the contrary, we may venture to aſſert it was ſolely by the weight of theſe reaſons that the preſbyterians, whoſe number was inconſiderable in the parliament and kingdom, prevailed at laſt to perſuade the reſt of the parliament of the neceſſity to reſtrain the king's power. If theſe reaſons had not been capable of convincing the leaſt prejudiced minds, they would never have ſucceeded in cauſing the parliament to take the reſolutions that will hereafter appear. For what intereſt could the major part of the members of parliament have, to alter the conſtitution of church and ſtate, if the paſt had not afforded them a juſt occaſion to fear for the future?

Two oppoſite opinions concerning the deſigns of the parliament.

From what has been ſaid there reſult two opinions, which have divided and ſtill do divide all England. The firſt aſcribes to the commons in general, and to ſeveral peers, the private end deſigned by the preſbyterians: the followers of this opinion will not allow that moſt of the members propoſed to themſelves a juſter end in all their proceedings againſt the king. Thoſe who embrace the ſecond opinion, refuſe alſo to admit of this diſtinction of ends and principles: they pretend that the oppoſite party to the king always acted upon motives of equity, juſtice, and love of their country. For my part I ſhall make no ſcruple to ſay, that I think both theſe opinions

Charles I. 1641.

opinions very groundleſs. I can never believe that the greateſt part of the members of this parliament, who, even by the confeſſion of the king's friends, had at firſt no deſire to make any alterations in the conſtitution of the church or ſtate, ſhould ſuffer themſelves to be corrupted by a ſmall number of other members, whoſe views and deſigns they were not ſo ignorant of, as to be wholly guided by their directions. Neither can I think that they ran into the project of ſubverting church and ſtate out of lazineſs, ignorance, ſtupidity, or that they fell into all the ſnares the others were pleaſed to lay for them, as the lord Clarendon inſinuates. I rather believe they weighed the reaſons which were to engage them to maintain the civil and eccleſiaſtical conſtitution, with the danger of leaving it in its natural ſtate, and that this danger appeared to them ſo great, that, to prevent it, they reſolved to agree to the alterations intended by the preſbyterians.

Tom. i. P. 253.

On the other hand, I can as hardly believe that they who took ſo much care to cheriſh diſtruſt between the king and the parliament, who were always ready to give an ill turn to all the king's words and actions, who, inſtead of healing, inflamed the wound; that theſe men, I ſay, ſhould have in view only juſtice and the good of their country: eſpecially as they were ſeen to practice all methods to accompliſh their private end, I mean the change of the government of the church, in which the reſt of the parliament had no intereſt; nay, rather it would have been their intereſt to oppoſe it, had they not dreaded a greater miſchief.

If therefore a man blindly follows either of theſe two opinions, without any limitation, he will never be able to give a juſt notion of this parliament's conduct. It is as difficult to believe, that a whole parliament, or at leaſt the greateſt part of the members, may combine together to ſubvert the government of the church and ſtate, as it is to conceive that all theſe ſame members may have acted only upon diſintereſted motives, and with the ſole view of procuring the welfare of the ſtate in ſuch a juncture. This, however, is the error into which almoſt all the Engliſh hiſtorians have fallen. They have all embraced one or other of the two opinions, the ſpirit of party not ſuffering them fairly to conſider the ſeveral motives, on which the members of this parliament proceeded, and this has begot great obſcurity in all they have ſaid upon the ſubject. The truest and moſt probable hypotheſis, in my opinion, is briefly this:

The

The king had given great occaſions of complaint to his ſubjects, during the firſt fifteen years of his reign. It is no wonder, therefore, that he had made himſelf many enemies, who earneſtly wiſhed to have the government reſtored to its unnatural ſtate. Among theſe enemies, the preſbyterians, who, beſides the common, had their private, grievances, were the moſt eager. They deſired not only to diminiſh the king's power, that he might not be able to hurt them, but alſo to ſubvert the eccleſiaſtical hierarchy, and eſtabliſh the preſbyterian government, in which they were ſupported by the Scots. The king being obliged to call this parliament againſt his will, there were few members but what were diſpoſed to redreſs paſt grievances, and prevent the like for the future. Even they who were not enemies to the king, were in this diſpoſition, and it may be affirmed, that this was the general ſentiment of the members at the beginning of the parliament. But even among thoſe who deſired the redreſs of grievances, there were two different ſentiments. Some were for ſtopping at the redreſs of grievances, without proceeding any farther, believing, that would be ſufficient to hinder the king from attempting a ſecond time ſo unſucceſsful an enterprize. This was the king's ſentiment, as well as of many members of both houſes. Others were not only for redreſſing grievances, but alſo for taking proper meaſures to prevent the like miſchiefs for the future. The preſbyterians were of this number; but they had alſo more extenſive views, and more hidden deſigns, namely, to introduce the preſbyterian government into the church. To accompliſh that end, it was neceſſary to deprive the king of a power, which they foreſaw he would not fail to exert, in oppoſition to their deſign; and there was no better way than by cheriſhing the parliament's diſtruſt, to which the members, for the moſt part, were already but too much inclined. They had therefore only to gain a ſufficient number of thoſe, who were willing to ſtop at the redreſs of grievances, and nothing was more proper to obtain their concurrence than to fill them with fears and ſuſpicions. This was the reaſon that ſuch care was taken to aggravate the plot for ſeducing the army, to dwell continually upon the pretended deſign of bringing them to London, to ſpread a report, that a French army was going to land and ſeize Portſmouth with the king's conſent, and I know not how many other rumours, equally improbable. This was the cauſe of ſo many efforts to exclude the biſhops from the upper-houſe, in order to leſſen, as much as poſſible, the party of thoſe who were

Charles I. 1641.

The author's hypotheſis.

Charles I. 1641. for ſtopping at the redreſs of grievances. This likewiſe was the reaſon, that ſo many mortifications were given the king, to induce him to take ſome meaſures, which ſhould give an advantage againſt him, and be apt to convince the more moderate, that it was dangerous to leave him in poſſeſſion of his whole power. It is not therefore very ſtrange, that many of thoſe who were againſt carrying things to extremities, ſhould in the end be prevailed on, by the fears and ſuſpicions they were continually inſpired with. To confirm themſelves in their ſentiment, they had no other ground than their confidence in the king's word, againſt which there were unanſwerable objections, as for inſtance, the violation of the petition of right.

By theſe direct and indirect means, the preſbyterians at length ſucceeded in gaining a ſufficient number of votes to give them the ſuperiority in the houſe of commons, at leaſt, as to the deſign of diminiſhing the king's power. When this party was grown ſuperior, their oppoſers endeavoured in vain to curb their fury. On the other hand, the king himſelf fell into the ſnares laid for him, and took meaſures, which, as will hereafter appear, made him loſe a great number of thoſe who had hitherto appeared the moſt moderate. The following paſſage of the lord Clarendon's hiſtory, will ſerve to illuſtrate this matter.

T. i. p. 253. "I know not how theſe men have already anſwered it to "their own conſciences, who having aſſumed their country's "truſt, and it may be, with great earneſtneſs laboured to "procure that truſt, by their ſupine lazineſs, negligence, "and abſence, were the firſt inlets to thoſe inundations; and "ſo contributed to thoſe licences which have overwhelmed "us. For by this means a handful of men, much inferior "in the beginning, in number and intereſt, came to give "laws to the major part; and to ſhow that three diligent "perſons are really a greater and more ſignificant number "than ten unconcerned, they, by plurality of voices, in the "end converted or reduced the whole body to their opinions. "It is true, men of activity and faction in any deſign, have "many advantages that a compoſed and ſettled council, "though induſtrious enough, uſually have not; and ſome "that gallant men cannot give themſelves leave to entertain, "even for the prevention of all the miſchief the others in-"tend."

The earl of Clarendon grants, that a handful of men, at firſt much inferio in number and credit, converted in the end the whole houſe to their opinions. But as he was a zealous

zealous advocate for the king, he took care not to aſcribe the ſucceſs of this handful of men, to the weight of the reaſons which they alledged to the others to reduce them to their ſentiments. It was requiſite, however, to give ſome reaſon of it, and he found no better, than the lazineſs, negligence, and unconcernedneſs of the king's friends, and the vigilance of the others. I do not know whether this reaſon will be capable to ſatisfy the impartial. Charles I. 1641.

This, as I verily believe, is the true hypotheſis which ought to be eſtabliſhed, in order to give a clear idea of the conduct of this parliament; and I hope this digreſſion will not be unſerviceable for the better underſtanding of the ſequel.

The parliament ſeemed to have nothing more to do, all the grievances being in a manner redreſſed, and the armies diſbanded. But after what has been ſaid, it will not doubtleſs be thought ſtrange, that the houſe of commons ſhould order the committee, which, at the beginning of the parliament, was charged with preparing a remonſtrance of the ſtate of the kingdom, to reſume and finiſh that work. Nothing would have been more needleſs than ſuch a remonſtrance, after the grievances were redreſſed, if it had not been intended on purpoſe to quarrel with the king, and afford a pretence to defer to another time the ſettling his revenues, which was the only thing that remained to be done, and which the king expected. I have already obſerved, there was a party in the parliament, who meant not to ſtop at the redreſs of grievances. It was this party that cauſed the remonſtrance to be reſumed, in expectation the king would be diſpleaſed with it, and take ſome ſtep that ſhould promote the execution of their project. The commons prepare a remonſtrance of the ſtate of the kingdom. Ruſhworth, iv. p. 425, &c.

But whilſt this remonſtrance was preparing, an affair of ſuch conſequence unexpectedly happened, that the commons were obliged for a time to lay aſide all other buſineſs. I mean the Iriſh rebellion, the news whereof came to London the 1ſt of November 1641. The Iriſh rebellion. Ruſhworth, iv. p. 398. Sir John Temple. Borlaſe.

Since the end of queen Elizabeth's reign, when Tir-Owen's rebellion was happily quelled, the Iriſh had lived peaceably under the dominion of James I. and Charles I. Not but that the lords deputies had always an eye over them, conſidering them as men, whoſe fidelity was very ſuſpicious: however, they had at leaſt no occaſion to complain, that they were worſe uſed than in the former reigns. As to their religion, it is eaſy to imagine, they had ſuffered no new troubles under theſe two princes, who thought of nothing leſs, than of perſecuting the catholics. Nevertheleſs, in March or April this

Charles I. 1641. year 1641, the Iriſh formed the project of caſting off the Engliſh yoke, of ſeizing upon all the fortified places, and of cutting the throats of all the Engliſh throughout the whole kingdom. The day appointed for executing this bloody deſign, was the 23d of October, on which day, they were to riſe all over the iſland. The deſign was really executed, as projected, and it is ſaid, on that and the following days, above forty thouſand Engliſh proteſtants were maſſacred by the Iriſh. But the project of ſeizing the ſame day upon the caſtle of Dublin, where was a great magazine of proviſions and ſtores, was diſcovered by Owen O Conally, the night before, and prevented by the diligence of the lords juſtices of Ireland, who governed in the abſence of Robert Sidney, earl of Leiceſter, who had been appointed lord-lieutenant ſome months before, and was yet in England.

Nov. 1. Ruſhworth, iv. p. 249. Nalſon, t. ii. p. 513.

This news being communicated to the commons by the lords of the privy-council, filled the houſe with conſternation and terror, and at the ſame time with indignation againſt the rebels. They immediately turned themſelves into a grand committee, and paſſed the following reſolves:

The votes of the commons about Ireland. Sir John Temple, p. 48. Ruſhworth, iv. [404.] Diurn. Occur. Nalſon, t. ii. p. 524.

That 50,000l. ſhall be forthwith provided for the ſervice of Ireland.

That a conference be had with the lords to move them, that a ſelect committee of the members of both houſes may be appointed to go to the city of London, and propoſe unto them the loan of that ſum.

That a ſelect committee of both houſes may be named to conſider of the affairs of Ireland, and of the ſending of men and ammunition from hence into that kingdom.

That Owen O Conally, who diſcovered this great treaſon in Ireland ſhall have 500l. preſently paid him, and 200l. per annum penſion, until proviſion be made for an inheritance of greater value.

That the cuſtody of the Iſle of Wight be taken for the preſent from the lord Weſton, ſuſpected of being a catholic, and ſequeſtered into another hand.

That the perſons of papiſts of quality in the ſeveral counties of this kingdom, where ever they reſide, may be ſecured.

That the lords be deſired to join concerning the diſſolution of the houſe of Capuchins, and the ſpeedy ſending them away, according to the former deſires of this houſe.

That the ambaſſadors may be ſent to from both houſes to deliver up ſuch prieſts of the king's ſubjects as are in their houſes.

That

That a liſt be brought in of the queen's prieſts, and other her ſervants. Charles I. 1641.

That a proclamation be iſſued forth, commanding all ſtrangers that are not of the proteſtant religion, to deliver in tickets of their names, and an account of their ſtay here, within two days after the iſſuing forth of the ſaid proclamation, or elſe to depart the kingdom forthwith, &c.

The lords agreed to the propoſed loan, and named ſome of their members to form a committee of both houſes. Whereupon the commons appointed fifty-two to meet the lords, and to be a ſtanding committee for the affairs of Ireland. Ruſhworth, iv. [405.]

Two days after the commons voted again,

That the houſe holds fit that 20,000 l. be forthwith ſupplied for the preſent occaſions of Ireland.

That a convenient number of ſhips ſhall be provided for the guarding of the ſea-coaſt of Ireland.

That ſix thouſand foot, and two thouſand horſe ſhall be raiſed with all convenient ſpeed for the preſent expedition into Ireland. And that the lord-lieutenant ſhall preſent to both houſes of parliament, ſuch officers as he ſhall think fit to ſend into Ireland, to command any forces to be tranſported thither.

Other votes. Nov. 4, 5. ibid. J. Temple, p. 49. Nalſon, t. ii. p. 524.

That the magazines of victuals ſhall be forthwith provided at Weſt-Cheſter, to be ſent over to Dublin, as the occaſions of that kingdom ſhall require.

That the magazines of arms, ammunition, powder, now in Carliſle, ſhall be forthwith ſent over to Knockfergus in Ireland.

That it be referred to the king's council to conſider of ſome fit way, and to preſent it to the houſe, for a publication to be made of rewards to be given to ſuch as ſhall do ſervice in this expedition into Ireland, and for a pardon of ſuch of the rebels as ſhall come in by a time limited, and of a ſum of money to be appointed for a reward of ſuch as ſhall bring in the heads of ſuch principal rebels as ſhall be nominated.

That letters ſhall be forthwith ſent to the juſtices in Ireland, to acquaint them how ſenſible this houſe is of the affairs of Ireland.

That the committee of Iriſh affairs ſhall conſider how, and in what manner this kingdom ſhall make uſe of the friendſhip and aſſiſtance of Scotland in the buſineſs of Ireland.

That directions ſhall be given for the drawing of a bill for the preſſing of men, for this particular of Ireland.

Some days after both houſes publiſhed a declaration, to acquaint the public that they had reſolved to aſſiſt the king with all their power to reduce the Iriſh rebels. Ruſhworth, iv. [406.]

Charles I. 1641.

The king, who was ſtill in Scotland, had received intelligence of what had paſſed in the north of Ireland [h], but did not know that the Iriſh had miſcarried in their deſign upon the caſtle of Dublin. He immediately communicated his intelligence to the parliament of Scotland, and demanded their aſſiſtance. The parliament replied, "That Ireland being "dependent on the crown of England, and his majeſty having already writ to the parliament of England, and ſent "to Ireland for farther information, no other courſe could "be taken, and the rather as the parliament of England "might conceive jealouſies; but that after fuller information, "if the Engliſh ſhould think the aſſiſtance of Scotland ne"ceſſary, it ſhould be ready, as ſoon as England."

The king demands aid of the parliament of Scotland. Their anſwer. Octob. 28. Nalſon, t. ii. p. 604. Ruſhworth, iv. [407.]

The rebellion daily increaſed. The Engliſh themſelves of the Pale joined with the Iriſh, having pretended for ſome time to be attached to the intereſt of England. Theſe Engliſh of the Pale were deſcendents of the antient conquerors of Ireland, who ſettled there in the reign of Henry II. and who at the time of the reformation continued in the Roman catholic religion. It was therefore neceſſary to ſend a ſtrong force into Ireland to reduce the rebels to obedience. And yet, though the letters from the lords juſtices for aſſiſtance were frequent and preſſing, though the rebels continually increaſed in number and ſtrength, though the king moſt earneſtly preſſed both houſes to ſend men, money, and ammunition to Ireland, though the parliament ſhowed an extreme deſire to reduce that kingdom, it is certain that the ſuccours ſent thither, were but ſmall and fitter to continue than end the war. It would doubtleſs be thought ſtrange to ſee ſo much ardour in words, and ſo little deſire to ſhow it in deeds, if the reaſon of this conduct was not known. And therefore it will be requiſite to explain it.

Ireland ſtands in need of a powerful aid Ruſhworth, iv. [410.] Cox's Hiſt. of Ireland, t. ii. p. 77.

Weak ſupplies are ſent.

Reaſon of it.

The diſpoſition of the houſe of commons, whilſt the king was in Scotland has been before ſhown. A reſolution was taken to diveſt him of part of his power. The views of ſome were only to hinder him from abuſing it for the future. Others added to this motive, the deſign of rendering him unable to oppoſe the change they were meditating, with reſpect to the government of the church. The order of the houſe to the committee to prepare the remonſtrance of the

[h] The lords juſtices ſent him an account of it, by Sir Henry Spotiſwood, who went by ſea directly to Scotland; but, before that, the king received notice of it by a letter from the lord Chicheſter, from Belfaſt, dated October 24. Ruſhworth, tom. iv. p. 407.

ſtate

ſtate of the kingdom, was a clear evidence, they had ſome ſecret deſign which would ſhow itſelf in due time. Whilſt meaſures are taking to execute this deſign, the Iriſh riſe in rebellion; at a time when they ſeemed to have the leaſt reaſon, ſince the government had never been more gentle to them than in the preſent reign. They maſſacre in cold blood above forty thouſand Engliſh proteſtants [1], and unfortunately for the king, ſpread a report that they had his authority for what they did. They call themſelves the queen's army, and diſperſe all over the kingdom copies of a ſuppoſed commiſſion, under the great ſeal, which they pretend to have from the king to authorize them to take up arms. It cannot be denied that all this was capable of making impreſſions on the minds of thoſe who were already ill-affected to the king, and believed him capable of any thing to avoid the ſervitude that was preparing for him. Indeed, the ſober and moſt conſiderate did not think it poſſible, or even probable, that the king ſhould be willing to have his proteſtant ſubjects of Ireland maſſacred. But they ſuſpected however, that this rebellion, raiſed at ſuch a juncture, was not wholly owing to the diſcontent of the Iriſh, and that very poſſibly the king had excited it, to find the parliament employment, and divert them from the project they had formed. As to the maſſacre of the proteſtants, they did not believe the king had any hand in it, but imagined it very poſſible, that after raiſing the rebellion, it was not in his power to reſtrain the Iriſh. The king on his part, not knowing what was ſaid againſt him in England, uſed his utmoſt endeavours to clear himſelf from this black imputation, by preſſing the parliament to ſend a ſpeedy aid into Ireland. But theſe ſollicitations had a quite contrary effect, becauſe it was believed that his aim was to leave England unprovided with troops, and to engage the parliament in an Iriſh war, which muſt have been very expenſive. This was the reaſon that the commons proceeded with deliberation, and ſent but inconſiderable ſuccours into Ireland, being apprehenſive, the Iriſh rebellion was a ſnare laid for them by the king, to cauſe them to conſume the Engliſh troops and money.

Charles I. 1641.

The Iriſh pretend to act by the king's orders. Ruſhworth, iv. p. 400. Borlaſe.

Burnet.

[1] Above one hundred and fifty-four thouſand proteſtants, were maſſacred in that kingdom, from the 23d of October 1641, to the 1ſt of March following, according to the computation of the prieſts themſelves that were preſent. Ruſhworth, tom. v. p. 355, 734. But, according to Sir J. Temple, there were, ſince the rebellion firſt broke out, unto the ceſſation made September 13, 1643, above three hundred thouſand Britiſh and proteſtants cruelly murdered in cold blood, deſtroyed ſome other way, or expelled out of their habitations. Iriſh Rebel. p. 6 See Cox, p. 73.—It ſeems cardinal Richlieu was deeply concerned in this maſſacre. See R. Coke, tom. i. p. 340. and tom ii. p. 5.

Charles I. 1641. As ſeveral have ſpoken of this pretended commiſſion from the king to the papiſts of Ireland to authorize them to take up arms, and as ſome have repreſented it as true, others as doubtful, but moſt as an evident forgery, I thought it would not be unacceptable to inſert it. I ſhall add a circular letter ſent with the copy of the pretended commiſſion from the leaders of the rebels, to thoſe of their party.

Orders from the heads of the rebels to publiſh the king's pretended commiſſion.

"From our camp at the Newry, this 4th of November, 1641.

"Phelim O Neal, Rory Mac Guire, &c. [k]

Ruſhworth, iv. p. 400.

"To all catholics of the Roman party, both Engliſh and "Iriſh, withirt the kingdom of Ireland, we wiſh all "happineſs, freedom of conſcience, and victory over "the Engliſh heretics, who have for a long time ty- "rannized over our bodies, and uſurped by extortion "our eſtates."

"BE it hereby made known unto you all, our friends and "countrymen, that the king's moſt excellent majeſty, "for many great and urgent cauſes thereunto moving, re- "poſing truſt and confidence in our fidelity, has ſignified unto "us, by his commiſſion under the great ſeal of Scotland, "bearing date at Edinburgh the firſt day of this inſtant Oc- "tober 1641, and alſo by letters under his ſign manual, bear- "ing date with the ſaid commiſſion, of divers great and "heinous affronts, that the Engliſh proteſtants, eſpecially "the parliament there, have publiſhed againſt his royal "perſon and prerogative, and alſo againſt our catholic "friends, within the kingdom of England; the copy of "which commiſſion we have here ſent unto you to be pub- "liſhed with all ſpeed in all parts of this kingdom, that "you may be aſſured of our ſufficient warrant and authority "herein, viz.

"CHARLES by the grace of God king of England, "Scotland, France, and Ireland, defender of the faith, "&c. To all catholic ſubjects within our kingdom of Ire- "land, greeting. Know you that we, for the ſafeguard and "preſervation of our perſon, have been forced to make our

[k] The reſt of the confederates were, colonel Mac Brian, Mac-mahon, Turlogh O Neal, Philip O Rely, Mul- Temple, p. 39.
more O Rely, Sir Conne Mac-gennis,

aboad

" aboad and reſidence in our kingdom of Scotland, for a long Charles I.
" ſeaſon, occaſioned by reaſon of the obſtinate and diſobe- 1641.
" dient carriage of our parliament of England againſt us,
" who have not only preſumed to take upon them the govern-
" ment, and diſpoſing of thoſe princely rights and preroga-
" tives that have juſtly deſcended unto us from our prede-
" ceſſors, both kings and queens of the ſaid kingdom, for
" many hundred years paſt, but alſo have poſſeſſed them-
" ſelves of the whole ſtrength of the ſaid kingdom, in ap-
" pointing governors, commanders, officers, in all parts and
" places therein, at their own will and pleaſure without our
" conſent; whereby we are deprived of our ſovereignty, and
" left naked without defence: and for as much as we are in
" our ſelves very ſenſible, that theſe ſtorms blow aloft, and
" are very likely to be carried by the vehemency of the pro-
" teſtant party into our kingdom of Ireland, and endanger
" our royal power and authority there alſo; know ye there-
" fore, that we, repoſing much care and truſt in your duty
" and obedience, which we have for many years paſt found,
" do hereby give unto you full power and authority to aſ-
" ſemble and meet together, with all the ſpeed and diligence
" that a buſineſs of ſo great a conſequence doth require, and
" to adviſe and conſult together by a ſufficient and diſcreet
" number, at all times, days, and places, which you ſhall
" in your judgment hold moſt convenient and material for
" the ordering, ſettling, and effecting of this great work,
" mentioned and directed to you in our letters, and to uſe
" all politic ways and means poſſible to poſſeſs yourſelves, for
" our uſe and ſafety, of all the forts, caſtles, and places of
" ſtrength and defence within the ſaid kingdom, except the
" places, perſons and eſtates of our loyal and loving ſubjects
" the Scots: and alſo to arreſt and ſeize the goods, eſtates,
" and perſons, of all the Engliſh proteſtants within the ſaid
" kingdom to our uſe; and in your care and ſpeedy perfor-
" mance of this our will and pleaſure, we ſhall perceive
" your wonted duty and allegiance unto us, which we ſhall
" acknowledge and reward in due time.

" Witneſs ourſelf at Edinburgh, the 1ſt day of Octo-
" ber, in the 17th year of our reign.

Though for many reaſons it be more than probable that the king never granted a commiſſion to the Iriſh to take up arms, it is however certain they boaſted of having ſuch a thing. But it is no leſs certain, that it cannot be the ſame with what has been juſt read, nor can this be the commiſſion pub-

Arguments that the king cannot have given this commiſſion.

Charles I. 1641. published by the leaders of the Irish rebels. My reason is, because in this commission, the king is made to say things which happened not till several months after the day of the date, and which those who are supposed to have published it the 4th of November could not foresee. The king is made to say on the 1st of October 1641, that the parliament had possessed themselves of his sovereignty, and appointed governors, commanders and officers, in all places, which certainly was not done before the month of October 1641. It must be therefore that Rushworth, who has inserted this commission in his collections, had bad memoirs and little judgment, not to see in this pretended commission of the 1st of October 1641, things which happened not till the next year 1642. However it is true, the Irish boasted of having the king's commission. But it is pretended they forged it themselves, and fastened to it an impression of the great-seal, taken from some grant or patent [1].

Rushworth, iv. p. 402. Nalson, t. ii. p. 529.

The effect of the rumour to the king. Nalson, t. ii. p. 526. &c. Clarendon. t. i. p. 237.

Be this as it will, the pretension of the Irish that they had the king's and queen's authority, was of very ill consequence to the king. There were but too many who had an ill opinion of his zeal for the protestant religion, and thought him capable of being induced by the queen's sollicitations to restore the catholic religion in England. The former parliaments had discovered their suspicions, and the king instead of undeceiving them, had given them words only, which were followed with no effects. When therefore the news came, that the Irish papists were in arms and had massacred the protestants, it was very natural to dread the like plot in England, which could not but be extremely prejudicial to the king. Though the parliament did not seem to regard much the calumny spread against the king, they were however full of distrust, and this distrust made them think it not proper to leave England without troops, money, and ammunition,

[1] It was an impression of the broad seal, which hung to a patent, found by O Neal, in the castle of Charlemount, at the taking of it. Nalson, tom. ii. p. 529 —To these reasons to prove the forgery of this commission, may be added another, which seems demonstrative. The commission is supposed to be under the great seal of Scotland, and yet in the enumeration of the king's titles, England is named before Scotland, which doubtless, never was done in any writings, published by authority in that kingdom. Before the late union in queen Anne's reign, the king's constant title in all the Scotch public acts was of Scotland, England, &c. king. This observation was communicated by Mr. Arbuckle of Dublin.— Rushworth observes that the words of the commission are enough to shew the villainous practice of the authors, and its bare recital a sufficient refutation and detection of the unparallelled forgery. Tom. iv. p. 400. See Borlase, p. 29.

in order to aſſiſt Ireland, leſt England ſhould be unprovided, in caſe the ſame plot was contriving there. Nay, it was the intereſt of the leading men in the parliament to feign a greater diſtruſt than they really had, to ſtrengthen the ſuſpicions and fears of ſuch members as were not fully perſwaded. This ſerved to convince them how neceſſary it was to retrench the king's power, and render him uncapable to execute his deſigns. Charles I. 1641.

The king's enemies attain their ends by divers degrees.

But though the party of thoſe who were for leſſening the regal power was numerous in the parliament, they were not yet in condition to proceed as they pleaſed. Matters were to be prepared by degrees, one while by cheriſhing ſuſpicions and fears, another while by engaging the houſe to take proper ſteps to lead them to their end, which was not known to all the members.

Inſtructions to the committee in Scotland mortifying to the king.

With this view it was, that under colour of thanking the Scots for their promiſed aſſiſtance to ſuppreſs the rebellion in Ireland, and of treating with them about it, they ingaged the houſe to ſend to the committee in Scotland new inſtructions very mortifying to the king. The houſe ſaid, in theſe inſtructions.

Ruſhworth. iv. p. 422. Nalſon, t. ii. p. 616.

"That they had juſt cauſe to believe, that the conſpiracies and commotions in Ireland, were but the effect of the counſels of thoſe who continued in credit, authority and employment about his majeſty; therefore they feared that the great aids which ſhould be raiſed for ſubduing the rebellion in Ireland, would be applied to the fomenting of it there, and encouraging ſome ſuch like attempt in England. And therefore the commons beſought his majeſty to change thoſe councils, from which ſuch ill courſes had proceeded, and to employ ſuch miniſters as ſhould be approved of by his parliament, who were his greateſt and moſt faithful council. But if his majeſty did not condeſcend to their ſupplications, they ſhould be forced to reſolve upon ſome way of defending Ireland from the rebels, and of ſecuring themſelves from miſchievous counſels and deſigns; and command thoſe aids and contributions which ſhould be raiſed for the reducing of Ireland to the cuſtody and diſpoſing of ſuch perſons of honour and fidelity, as they had cauſe to confide in."

Theſe inſtructions conclude with the following article.

"You ſhall repreſent to his moſt excellent majeſty this our humble and faithful declaration, that we cannot without much grief remember the great miſeries, burthens, and diſtempers, which have for divers years afflicted all his king-

Charles I. 1641. "kingdoms and dominions, and brought them to the laſt "point of ruin and deſtruction; all which have iſſued from "the cunning, falſe and malicious practices of ſome of thoſe "who have been admitted into very near places of counſel "and authority about him, who have been favourers of po-"pery, ſuperſtition and innovation; ſubverters of religion, "honour, and juſtice; factors for promoting the deſigns of "foreign princes and ſtates, to the great apparent danger of "his royal perſon, crown, and dignity, and of all his people; "authors of falſe ſcandalous jealouſies betwixt his majeſty "and his loyal ſubjects; enemies to the peace, union and "confidence betwixt him and his parliament, which is the "ſureſt foundation of proſperity and greatneſs to his majeſty, "of comfort and hope to them: that by their counſels and "endeavours, thoſe great ſums which have been lately drawn "from the people, have been either conſumed unprofitably, "or in the maintenance of ſuch deſigns as have been miſ-"chievous and deſtructive to the ſtate; and whilſt we have "been labouring to ſupport his majeſty, to purge out the "corruption, and reſtore the decays both of church and ſtate, "others of their faction and party have been contriving by "violence and force to ſuppreſs the liberty of parliament [m], "and endanger the ſafety of thoſe who have oppoſed ſuch "wicked and pernicious courſes."

Great debates touching the remonſtrance. Ruſhworth, iv. p. 425. Nalſon, t. ii. p. 667, &c.

This was properly a preparative to the remonſtrance of the ſtate of the kingdom, which was to be brought into the houſe the firſt opportunity, and which was indeed read the 22d of November. It met with ſo ſtrong an oppoſition, that the debates laſted from three in the afternoon till three in the morning [n]. Many thought it needleſs to reproach the king with grievances, to the redreſs whereof he had without ſollicitation given a full conſent, and that beſides the uſeleſſneſs of the remonſtrance, it would ſerve only to open old wounds, to which a cure had been applied, and infallibly make the breach wider between the king and the parliament. But this very reaſon was preciſely that which excited the others to cauſe the remonſtrance to be approved, becauſe they wanted a diſſention between the king and the

[m] Alluding to the conſpiracy to ſeduce the army. Rapin.

[n] The debate, ſays Whitelock, laſted till ten o'clock the next morning. The lord Clarendon ſays, from nine in the morning, till after twelve at night. The ſitting up all night, cauſed ſir B. R. to compare it "to the verdict of a "ſtarved jury." Whitelock, p. 57. Oliver Cromwell told the lord Falkland, "That if the remonſtrance had been "rejected, he would have ſold all he "had the next Morning, and never "have ſeen England more." Clarendon, tom. i. p. 246, 247.

par-

parliament, in order to obtain the consent of both houses to the diminution of the regal power. I do not pretend to determine, whether the design of disabling the king to govern for the future as he had done during fifteen years, was in itself just or necessary for the welfare of the kingdom. But it can hardly be denied that the reasons by which it was supported were very plausible. I will not affirm that they who formed it or pressed the execution had only in view their country's good; as on the other hand, I do not see what security they could have, who were leaving the king in possession of the same power he had before enjoyed. However this be, the remonstrance was as a sort of criterion which was to show which of the two parties should prevail, and withal to decide in some measure the fate of the king's affairs. In short, after a debate of twelve hours, it was carried by a plurality of nine voices only that the remonstrance should be presented to his majesty. The lord Clarendon says, "It was carried by the "hour of the night, which drove away a greater number of "old and infirm opposers than would have made those of "the negative superior in number." But this reason to me appears weak. For it might be alledged to show the remonstrance would have passed by more than nine voices, if several of those who were for it had not left the house. For how could infirmity or fatigue produce a greater effect upon one party than upon the other[o]?

Charles I. 1641.

It passes by nine voices only. t. i. p. 247.

This resolution was no sooner taken but Mr. Hampden, who was of the victorious party, moved for the immediate printing of the remonstrance, not thinking it necessary to communicate it to the lords, since it ran only in the name of the commons. His design was, that it should be dispersed among the people to excite them against the king, which was also the intention of his whole party. This motion, which was contrary to custom, since the remonstrance should have been at least presented to the king, before the publication was deliberated, produced a violent debate in the house, every one plainly perceiving the consequence. But at last, the same party that prevailed in the first, prevailed likewise in the second question, and the remonstrance was ordered to be printed. Some of the opposers offered to enter a protestation against it, but as it was not the custom of the house to admit of protestations, Mr. Palmer, who first cried, "I do pro-

It is ordered to be printed. Clarendon. t. i. p. 246.

Id. p. 248. Rushworth. iv. p. 428.

o Whitelock says indeed, that sitting up all night caused many through weakness or weariness to leave the house; but does not say they were of this or that party. p. 51.

"test,"

Charles I. 1641.

"test," was sent to the Tower, but was releaſed within a few days, and took his place again in the houſe.

Three days after, namely, the 25th of November, the king being returned from Scotland[p], paſſed through the city of London, and dined at Guildhall. He was received in his capital with the ſame demonſtrations of joy, reſpect and ſubmiſſion as were given on the like occaſions to his moſt popular predeceſſors; and had all reaſon to be pleaſed with the manner wherein every one ſtrove to do him honour. But the ſatisfaction he received from theſe public demonſtrations of the affection of the Londoners, laſted not long.

The king returns from Scotland, and is received with great reſpect at London. Ruſhworth, iv. p. 429, &c. Nalſon, t. ii. p. 675, &c.

As ſoon as the king came to Whitehall, the earl of Eſſex ſurrendered his commiſſion of captain-general of the ſouth part of the kingdom into his hands; and the next day, the king diſmiſſed the guards given by the earl to both houſes at their requeſt. The commons appeared diſpleaſed at it, and deſired the lords to concur with them in petitioning the king, that the guards might be continued till they had ſatisfied his majeſty of the reaſons why a guard was neceſſary. The lords conſented to it, and the earl of Warwick and the lord Digby were ordered to move his majeſty accordingly, but they could not prevail. The king anſwered, he ſaw no reaſon to continue the guard; but however, he would command the earl of Dorſet, to appoint ſome of the train-bands, only for a few days, to wait on both houſes, and if in that time he ſhould be ſatisfied there was juſt reaſon, he would continue them. He perceived, that the aim of thoſe who deſired the continuance of the guards, was only to cheriſh the fears and ſuſpicions of the people. Upon this anſwer, the commons preſented a memorial to the king, containing the reaſons why they deſired a guard, adding, they would not have it under the command of any perſon not choſen by themſelves. But as their reaſons were founded upon very improbable ſuppoſitions, they were ineffectual.

The earl of Eſſex reſigns his commiſſion.

The commons deſire the continuance of the guards;

the king refuſes it. Ruſhworth, iv. p. 434. Nalſon, t. ii. p. 684, 685.

He offers another guard.

The commons refuſe it. Ib. p. 687.

The commons inſiſted no farther on this ſubject, but within a few days, ſent a committee, to preſent to the king, then at Hampton-Court, the remonſtrance with a petition. This was, as it were, the alarm of the diſcord between the king

Committee to preſent the remonſtrance to the king. Ruſhworth, iv. p. 436. Nalſon, t. ii. p. 689.

[p] Before his departure from that kingdom, he conferred the following honours. Archibald Campbel was created marquis of Argyle; general Leſley, earl of Leven; lord Lindſay, earl of Lindſay; lord Loudon, earl of London; Alexander Livingſton, earl of Calendar; the lairds of Dudo and Arbuthnot, made viſcounts; and Andrew Murray, lord Balvaird. Guthry's mem. p. 90. Clarendon, tom. i. p. 244.

and

and the parliament, as his enemies had plainly forefeen. I think it neceſſary to inſert here what paſſed with reſpect to this remonſtrance, which was attended with ſuch conſequences; the report of the committee ſent to the king, the petition of the houſe, with the remonſtrance itſelf, on which I ſhall make ſome remarks, to enable the reader to judge of what is juſt and true, and what diſguiſed or aggravated. Charles I. 1641.

" Sir Ralph Hopton's report to the houſe of commons, of " what paſſed at his preſenting the petition and remon- " ſtrance to the king. Dec. 1. 1641.

" HE ſaid, that the laſt night, in the evening, he, and " thoſe that accompanied him, came into Hampton- " court, where meeting with Sir Richard Wyrn, he went " in to his majeſty, and gave him notice of our being there; " and within a quarter of an hour, the king ſent a gentleman " uſher to call us in, with directions for none to come in but " ourſelves; whereupon I did according to your order, and " the reſt with me, upon our knees, preſent the petition and " remonſtrance, and begun to read it kneeling, but his ma- " jeſty would not permit that, but commanded us all to riſe, " and ſo I read it. Sir Ralph Hopton's report. Ruſhworth, iv. p. 436.

" The firſt thing that his majeſty ſpoke at the reading " thereof, was to that part of the petition, that charges a " malignant party to be about his majeſty, with a deſign to " change religion; to which his majeſty with a hearty fer- " vency ſaid, " The devil take him, whoſever he be, that " has a deſign to change religion." Then I proceeded to " read on; and when I came to that part of the remon- " ſtrance, of reſerving the lands of the rebels in Ireland " toward the ſuppreſſing them: his majeſty ſpake and ſaid " We muſt not diſpoſe of the bear-ſkin, till the bear be " dead.

" After the petition was read, his majeſty ſaid, he deſired " to aſk us ſome queſtions; but I anſwered, we had no " power to ſpeak to any thing, but wherein we had com- " miſſion; then ſaid his majeſty, doth the houſe intend to " publiſh this Declaration? We ſaid, we could not anſwer " to it: " Well then, ſaid his majeſty, I ſuppoſe you do not " expect a preſent anſwer to ſo long a petition; but this let " me tell you, I have left Scotland well in peace; they are " well ſatisfied with me, and I with them; and though I " ſtaid longer than I expected, I think if I had not gone, " you had not been ſo ſoon rid of the army: I ſhall give you

" an

Charles I. 1641.

" an anſwer to this buſineſs, with as much ſpeed as the " weight thereof will permit." And ſo was pleaſed for to give " us his hand to kiſs; and thereupon we took our leave, and " afterwards Mr. Comptroller came to us with a like meſſage, " that the king deſired there ſhould be no publiſhing of this " declaration, till we had received his anſwer: we were all " that night treated by Mr. Comptroller at ſupper, and en- " tertained with great reſpect, and lodged by the king's har- " binger."

" The petition of the houſe of commons, which accom- " panied the remonſtrance of the ſtate of the kingdom, " when it was preſented to his majeſty at Hampton-Court. " Dec. 1. 1641.

" Moſt gracious ſovereign,

The petition which accompanied the remonſtrance. Ruſhworth, iv. p. 437. Nalſon. t. ii. p. 692.

" YOUR majeſty's moſt humble and faithful ſubjects, " the commons in this preſent parliament aſſembled, do, " with much thankfulneſs and joy, acknowledge, the great " mercy and favour of God, in giving your majeſty a ſafe " and peaceable return out of Scotland, into your kingdom of " England, where the preſſing dangers and diſtempers of the " ſtate, have cauſed us with much earneſtneſs to deſire the " comfort of your gracious preſence, and likewiſe the unity " and juſtice of our royal authority, to give more life and " power to the dutiful and loyal counſels and endeavours of " your parliament, for the prevention of that imminent " ruin and deſtruction wherein your kingdoms of England " and Scotland are threatned. The duty which we owe to " your majeſty, and our country, cannot but make us very " ſenſible and apprehenſive, that the multiplicity, ſharpneſs, " and malignity of thoſe evils under which we have now " many years ſuffered, are fomented and cheriſhed by a cor- " rupt and ill-affected party, who, amongſt other their miſ- " chievous devices for the alteration of religion and govern- " ment, have ſought by many falſe ſcandals and imputations, " cunningly inſinuated and diſperſed among the people, to " blemiſh and diſgrace our proceedings in this parliament, and " to get themſelves a party and faction amongſt your ſub- " jects, for the better ſtrengthning themſelves in their wick- " ed courſes, and hindering thoſe proviſions and remedies, " which might by the wiſdom of your majeſty, and counſel " of your parliament, be oppoſed againſt them.

" For

" For preventing whereof, and the better information of Charles I.
" your majeſty, your peers, and all other your loyal ſubjects, 1641.
" we have been neceſſitated to make a declaration of the ſtate
" of the kingdom, both before and ſince the aſſembly of this
" parliament, unto this time, which we do humbly preſent
" to your majeſty, without the leaſt intention to lay any
" blemiſh upon your royal perſon, but only to repreſent how
" your royal authority and truſt have been abuſed, to the
" great prejudice and danger of your majeſty, and all your
" good ſubjects. (1.)

Remark (1.). The deſign of this declaration or remonſtrance was not to inform the king, as the commons aſſured him, but ſolely to make their apology, and exaſperate the people againſt him. Firſt, the remonſtrance is not directed to the king, and he is always mentioned in the third perſon. Secondly, the commons voted that the remonſtrance ſhould be printed, before they had received any anſwer from the king, and publiſhed it againſt his will. So what they ſay at the cloſe of this article is all a flouriſh, without one word of truth.

" And becauſe we have reaſon to believe, that thoſe ma-
" lignant parties, whoſe proceedings evidently appear to be
" mainly for the advantage and increaſe of popery, are com-
" poſed, ſet up and acted by the ſubtle practice of the jeſu-
" its, and other engineers and factors for Rome; and to the
" great danger of this kingdom, and moſt grievous affliction
" of your loyal ſubjects, have ſo far prevailed, as to corrupt
" divers of your biſhops and others in prime places of the
" church (2.), and alſo to bring divers of theſe inſtruments
" to be of your privy-council (3.), and other employments of
" truſt and nearneſs about your majeſty, the prince, and the
" reſt of your royal children.

Rem. (2.). The commons pointed at Laud archbiſhop of Canterbury, Neil [q] biſhop of Wincheſter, Wren biſhop of Ely, Coſins dean of Peterborough.

Rem. (3.). As Windebank ſecretary of ſtate, and ſome others.

" And by this means have had ſuch an operation in your
" council, and the moſt important affairs and proceedings
" of your government, that a moſt dangerous diviſion, and
" chargeable preparation for war, betwixt your kingdoms of
" England and Scotland, the increaſe of jealouſies betwixt
" your majeſty and your moſt obedient ſubjects, the violent

[q] Neil was tranſlated from Wincheſter to York, in 1631, in which honour he died, three days before the long-parliament was opened.

" diſtraction and interruption of this parliament, the inſur-
" rection of the papiſts in your kingdom of Ireland, and
" bloody maſſacre of your people, have been not only en-
" deavoured and attempted, but in a great meaſure compaſſed
" and effected.

" For preventing the final accompliſhment whereof, your
" poor ſubjects are enforced to engage their perſons and
" eſtates, to the maintaining of a very expenceful and dan-
" gerous war, notwithſtanding they have already, ſince the
" beginning of this parliament, undergone the charge of
" 150,000 l. ſterling, or thereabouts, for the neceſſary ſup-
" port and ſupply of your majeſty in theſe preſent and peri-
" lous deſigns. And becauſe all our moſt faithful endeavours
" and engagements will be ineffectual for the peace, ſafety,
" and preſervation of your majeſty and your people, if ſome
" preſent, real, and effectual courſe be not taken for ſuppreſ-
" ſing this wicked and malignant party.

" We your majeſty's moſt humble and obedient ſubjects,
" do with all faithfulneſs and humility beſeech your majeſty,
" 1. That you would be graciouſly pleaſed to concur with
" the humble deſires of your people in a parliamentary
" way (4.), for the preſerving the peace and ſafety of the
" kingdom from the malicious deſigns of the popiſh party.

Rem. (4.). That is to ſay, by conſenting to the bills which ſhould be preſented to him.

" For depriving the biſhops of their votes in parliament (5.),
" and abridging their immoderate power uſurped over the
" clergy, and other your good ſubjects, which they have per-
" niciouſly abuſed, to the hazard of religion, and great pre-
" judice and oppreſſion of the laws of the kingdom, and juſt liberty of your people.

Rem. (5.). The commons were not ſatisfied with deſiring that the biſhops, whom they ſuppoſed guilty of the deſign to countenance popery, ſhould be puniſhed, but took occaſion from thence to inflict a penalty on the whole bench, by depriving them of the privilege of ſitting in parliament.

" For the taking away ſuch oppreſſions in religion, church-
" government and diſcipline, as have been brought in and
" fomented by them. For uniting all ſuch your loyal ſub-
" jects together, as join in the ſame fundamental truths againſt
" the papiſts, by removing ſome oppreſſions and unneceſſary
" ceremonies, by which divers weak conſciences have been
" ſcrupled, and ſeem to be divided from the reſt (6), and for
" the due execution of thoſe good laws, which have been
" made for ſecuring the liberty of your ſubjects.

Rem.

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Rem. (6.). The meaning of which was, in the language of the commons or of their leaders, that he ſhould aboliſh the hierarchy and book of Common-Prayer; but they did not yet dare to ſpeak out, and therefore covered their intention under this expreſſion, "by removing unneceſſary ceremonies."

"2. That your majeſty will likewiſe be pleaſed to remove "from your council, all ſuch as perſiſt to favour and promote any of thoſe preſſures and corruptions wherewith "your people have been grieved; and that for the future, "your majeſty will vouchſafe to employ ſuch perſons in your "great and public affairs, and to take ſuch to be in your "places of truſt, as your parliament may have cauſe to confide in; that in your princely goodneſs to your people, you "will reject and refuſe all mediation and ſollicitation to the "contrary, how powerful and near ſoever. (7.)

Rem. (7.) Meaning the queen.

"That you will be pleaſed to forbear to alienate any of "the forfeited and eſcheated lands in Ireland, which ſhall accrew to your crown by reaſon of this rebellion; that out "of them the crown may be the better ſupported, and ſome "ſatisfaction made to your ſubjects of this kingdom, for the "great expences they are like to undergo in this war.

"Which humble deſires of ours being graciouſly fulfilled "by your majeſty, we will, by the bleſſing and favour of "God, moſt chearfully undergo the hazard and expences of "this war, and apply ourſelves to ſuch other courſes and "counſels, as may ſupport your royal eſtate with honour and "plenty at home, with power and reputation abroad, and by "our loyal affections, obedience and ſervice, lay a ſure and "laſting foundation of the greatneſs and proſperity of your "majeſty, and your royal poſterity in future times."

A remonſtrance of the ſtate of the kingdom, preſented to the king from the houſe of commons, the 1ſt of December, 1641.

"THE commons in this preſent parliament aſſembled, "having with much earneſtneſs and faithfulneſs of affection and zeal to the public good of this kingdom, and "his majeſty's honour and ſervice, for the ſpace of twelve "months, wreſtled with great dangers and fears, the preſſing "miſeries and calamities, the various diſtempers and diſorders which had not only aſſaulted, but even overwhelmed "and extinguiſhed the liberty, peace, and proſperity of this

Charles I. 1641. " kingdom, the comfort and hopes of all his majeſty's good " ſubjects, and exceedingly weakened and undermined the " foundation and ſtrength of his own royal throne.

" Do yet find an abounding malignity and oppoſition in " thoſe parties and factions who have been the cauſe of thoſe " evils, and do ſtill labour to caſt aſperſions upon that which " hath been done, and to raiſe many difficulties for the hin- " drance of that which yet remains undone, and to foment " jealouſies betwixt the king and parliament, that ſo they " may deprive him and his people of the fruit of his own " gracious intentions, and their humble deſires of procuring " the public peace, ſafety, and happineſs of this realm: for " the preventing of thoſe miſerable effects, which ſuch mali- " cious endeavours may produce, we have thought good to " declare (1.):

Remark (1.) This was all flouriſh, and a pretence uſed by the commons, to have an occaſion to publiſh this remonſtrance, which was reſolved upon at the very beginning of the parliament, before any one thought of blaming their conduct.

" The root and growth of theſe miſchievous deſigns.

" The maturity and ripeneſs to which they have attained " before the beginning of the parliament.

" The effectual means which have been uſed for the extir- " pation of thoſe dangerous evils, and the progreſs which hath " therein been made by his majeſty's goodneſs, and the wiſ- " dom of the parliament.

" The ways of obſtruction and oppoſition, by which that " progreſs hath been interrupted.

" The courſes to be taken for the removing thoſe obſta- " cles, and for the accompliſhing of our moſt dutiful and " faithful intentions and endeavours of reſtoring and eſta- " bliſhing the antient honour, greatneſs and ſecurity of this " crown and nation.

" The root of all this miſchief we find to be a malignant " and pernicious deſign of ſubverting the fundamental laws " and principles of government, upon which the religion and " juſtice of this kingdom are firmly eſtabliſhed. The actors " and promoters hereof have been;

" 1. The jeſuited papiſts, who hate the laws, as they are " the obſtacles of that change and ſubverſion of religion, " which they ſo much long for.

" 2. The biſhops, and the corrupt part of the clergy, who " cheriſh formality and ſuperſtition, as the natural effects, and

" more

" mo[illegible] probable ſupports of their own eccleſiaſtical tyranny Charles I.
" and uſurpation. 1641.

" Such counſellors and courtiers, as, for private ends,
" have engaged themſelves to farther the intereſts of ſome fo-
" reign princes or ſtates, to the prejudice of his majeſty, and
" the ſtate at home.

" The common principles by which they moulded and go-
" verned all their particular counſels and actions, were theſe:

" Firſt, to maintain continual differences and diſcontents
" betwixt the king and the people, upon queſtions of preroga-
" tive and liberty, that ſo they might have the advantage of
" ſiding with him, and under the notions of men addicted to
" his ſervice, gain to themſelves and their parties the places
" of the greateſt truſt and power in the kingdom (2.)

Rem. (2.) It is certain, this was the way archbiſhop Laud, and the arminian party grew powerful at court.

" A ſecond, to ſuppreſs the purity and power of religion,
" and ſuch perſons as were beſt affected to it, as being con-
" trary to their own ends, and the greateſt impediment to
" that change which they thought to introduce.

" A third, to conjoin thoſe parties of the kingdom which
" were moſt propitious to their own ends, and to divide thoſe
" who were moſt oppoſite, which conſiſted in many particu-
" lar obſervations.

" To cheriſh the arminian party in thoſe points wherein
" they agree with the papiſts to multiply and enlarge the dif-
" ference between the common proteſtants, and thoſe whom
" they call puritans, to introduce and countenance ſuch opi-
" nions and ceremonies as are fitteſt for accommodation with
" popery, to increaſe and maintain ignorance, looſeneſs, and
" prophaneneſs in the people. That of thoſe three parties,
" papiſts, arminians, and libertines, they might compoſe a
" body fit to act ſuch counſels and reſolutions, as were moſt
" conducible to their own ends.

" A fourth, to diſaffect the king to parliaments by ſlanders
" and falſe imputations, and by putting him upon other ways
" of ſupply, which in ſhew and appearance were fuller of
" advantage than the ordinary courſe of ſubſidies, though in
" truth they brought more loſs than gain both to the king and
" people, and have cauſed the great diſtractions under which
" we both ſuffer.

" As in all compounded bodies the operations are qualified
" according to the predominant element, ſo in this mixt
" party, the jeſuited counſels being moſt active and prevail-
" ing, may eaſily be diſcovered to have had the greateſt ſway

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" in all their determinations, and if they be not prevented, " are likely to devour the reſt, or to turn them to their " own nature.

" In the beginning of his majeſty's reign, the party began " to revive and flouriſh again, having been somewhat damped " by the breach with Spain, in the laſt year of king James, " and by his majeſty's marriage with France; the intereſts " and counſels of that ſtate being not ſo contrary to the " good of religion, and the proſperity of this kingdom, as " thoſe of Spain; and the papiſts of England having been " ever more addicted to Spain than France; yet they ſtill " retain a purpoſe and reſolution to weaken the proteſtant " parties in all parts, and even in France, whereby to make " way for the change of religion, which they intended at " home.

" 1. The firſt effect and evidence of their recovery and " ſtrength, was the diſſolution of the parliament at Oxford, " after there had been given two ſubſidies to his majeſty, and " before they received relief in any one grievance, many " other more miſerable effects followed.

" 2. The loſs of the Rochel fleet, by the help of our ſhip- " ping, ſet forth and delivered over to the French, in oppo- " ſition to the advice of parliament (3), which left that town " without defence by ſea, and made way, not only to the loſs " of that important place, but likewiſe to the loſs of all " the ſtrength and ſecurity of the proteſtant religion in " France.

Rem. (3.). It cannot be properly ſaid that the ſeven ſhips lent by Charles I. to the king of France were delivered to the French, in oppoſition to the advice of parliament, ſince the thing was done before the parliament was acquainted with it. It is likewiſe a great aggravation to impute the loſs of the Rochel fleet, and of Rochel itſelf, to the aid of the ſeven Engliſh ſhips, which the mariners of that nation had deſerted.

" 3. The diverting his majeſty's courſe of wars from the " Weſt-Indies, which was the moſt facile and hopeful way " for this kingdom to prevail againſt the Spaniards, to an ex- " penceful and unſucceſsful attempt upon Cales, which was " ſo ordered, as if it had rather been intended to make us " weary of a war, than to proſper it (4.)

Rem. (4.). This accuſation ſeems a little too far fetched, ſince Elizabeth had taken both courſes with ſucceſs.

" 4. The precipitate breach with France, by taking their " ſhips to a great value, without making recompence to the " Engliſh,

" Engliſh, whoſe goods were thereupon imbarred, and confiſ- Charles I.
" cate in that kingdom. 1641.

" 5. The peace with Spain, without conſent of parlia-
" ment, contrary to the promiſe of king James to both houſes,
" whereby the Palatine's cauſe was deſerted and left to charge-
" able and hopeleſs treaties, which, for the moſt part, were
" managed by thoſe who might juſtly be ſuſpected to be no
" friends to that cauſe (5.)

Rem. (5.). This article contains three accuſations againſt the king, 1. Of making peace with Spain without conſent of parliament: 2. Of neglecting, in this peace, the intereſt of the elector Palatine: 3. Of treating of that prince's affairs by ſuſpected perſons. As to the firſt, it is true, king James had promiſed not to make peace with Spain without the parliament's approbation: but it was at a time when the parliament began to ſupply him with money for the war, and engaged to enable him to continue it: but the face of affairs was changed, when Charles I. made peace. As to the ſecond charge of neglecting the cauſe of the elector Palatine, it is properly a cavil; for the king, having no money to continue the war againſt Spain, was not in condition to ſupport the elector's cauſe. All that can be ſaid, is, that he would have had money from the parliament, had he been willing to redreſs the grievances. I am ignorant of the foundation of the third accuſation.

" 6. The charging of the kingdom with billeted ſoldiers
" in all parts of it, and that concomitant deſign of German
" horſe, that the land might either ſubmit with fear, or be
" enforced with rigour to ſuch arbitrary contributions as
" ſhould be required of them. (6.).

Rem. (6.). Theſe two accuſations are unanſwerable. There was but too much reaſon to believe, that this was done on purpoſe to eſtabliſh an arbitrary government.

" 7. The diſſolving of the parliament in the ſecond year
" of his majeſty's reign, after a declaration of their intent to
" grant five ſubſidies. (7.)

Rem. (7). This parliament was diſſolved to ſave the duke of Buckingham.

" 8. The exacting of the like proportion of five ſubſidies
" after the parliament was diſſolved, by commiſſion of loan;
" and divers gentlemen and others impriſoned for not yield-
" ing to pay that loan, whereby many of them contracted
" ſuch ſickneſſes as coſt them their lives.

" 9. Great ſums of money required and raiſed by privy-
" ſeals. (8.)

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Rem. (8.) Theſe articles were notoriouſly true. There is no juſtifying them, but by aſſerting, the king had a right to do whatever he did. But this is a great queſtion.

" 10. An unjuſt and pernicious attempt to [illegible] great " payments from the ſubject by way of exciſe, and a com- " miſſion iſſued under the ſeal for that purpoſe.

" 11. The petition of right, which was granted in full " parliament, blaſted, with an illegal declaration to make it " deſtructive to itſelf, to the power of parliaments, to the li- " berty of the ſubject, and to that purpoſe printed with it; " and the petition made of no uſe but to ſhew the bold and " preſumptuous injuſtice of ſuch miniſters as durſt break the " laws, and ſuppreſs the liberties of the kingdom, after they " had been ſo ſolemnly and evidently declared.

" 12. Another parliament diſſolved 4 Car. the privilege " of parliament broken, by impriſoning divers members of " the houſe, detaining them cloſe priſoners for many months " together, without the liberty of uſing books, pen, ink, or " paper, denying them all the comforts of life, all means of " preſervation of health, not permitting their wives to come " to them, even in time of their ſickneſs.

" 13. And for the completing that cruelty, after many " years ſpent in ſuch miſerable durance, depriving them of " the neceſſary means to ſpiritual conſolation; not ſuffering " them to go abroad to enjoy God's ordinances in God's " houſe, or God's miniſters to come to them to miniſter " comfort to them in their private chambers.

" 14. And to keep them ſtill in this oppreſſed condition, " not admitting them to be bailed according to law, yet vex- " ing them with informations in inferior courts, ſentencing " and fining ſome of them for matters done in parliament; " and extorting the payments of thoſe fines from them, en- " forcing others to put in ſecurity of good behaviour before " they could be releaſed.

" 15. The impriſonment of the reſt, which refuſed to be " bound, ſtill continued, which might have been perpetual " if neceſſity had not the laſt year brought another parlia- " ment to relieve them, of whom one † died, by the cruelty " and harſhneſs of his impriſonment, which would admit of " no relaxation, notwithſtanding the eminent danger of his " life did ſufficiently appear by the declaration of his phyſi- " cian. And his releaſe, or at leaſt his refreſhment, was " ſought by many humble petitions. And his blood ſtill

† Sir John Elliot,

" cries

" cries for vengeance or repentance, of thoſe miniſters of Charles I.
" ſtate who have at once obſtructed the courſe both of his 1641.
" majeſty's juſtice and mercy (9).

Rem. (9.) The rigour exerciſed upon theſe members of parliament is one of the ſtrongeſt proofs of the deſign to eſtabliſh arbitrary power; and therefore the commons largely inſiſt upon this article.

" 16. Upon the diſſolution of both theſe parliaments, un-
" true and ſcandalous declarations were publiſhed to aſperſe
" their proceedings, and ſome of their members, unjuſtly;
" to make them odious, and colour the violence which was
" uſed againſt them (10.) Proclamations ſet out to the ſame
" purpoſe; and to the great dejecting the hearts of the people
" forbidding them even to ſpeak of parliaments.

Rem. (10.) If by theſe declarations are meant, thoſe publiſhed to ſignify the cauſes of the diſſolution of theſe parliaments, it may be ſaid that the commons ſwerved from the reſpect due to the king, by terming them untrue and ſcandalous, ſince they were publiſhed in his name.

" 17. After the breach of the parliament in the fourth of
" his majeſty, injuſtice, oppreſſion, and violence, broke in
" upon us, without any reſtraint or moderation, and yet the
" firſt project was the great ſums exacted through the whole
" kingdom for default of knighthood, which ſeemed to have
" ſome colour and ſhadow of a law, yet if it be rightly ex-
" amined by that obſolete law which was pretended for it,
" it will be found to be againſt all the rules of juſtice, both
" in reſpect of the perſons charged, the proportion of the
" fines demanded, and the abſurd and unreaſonable manner
" of their proceedings.

" 18. Tunnage and poundage hath been received without
" colour or pretence of law: many other heavy impoſitions
" continued againſt law; and ſome ſo unreaſonable, that
" the ſum of the charge exceeds the value of the goods.

" 19. The book of rates lately inhanced to a high por-
" tion; and ſuch merchants that would not ſubmit to their il-
" legal and unreaſonable payments, were vexed and oppreſ-
" ed above meaſure; and the ordinary courſe of juſtice, the
" common birth-right of the ſubjects of England, wholly
" obſtructed and taken from them.

" 20. And although this was taken on pretence of guard-
" the ſeas, yet a new and unheard-of tax of ſhip-money
" was deviſed, and upon the ſame pretence. By both which
" there were charged upon the ſubject near 700,000 l. ſome
" years; and yet the merchants have been left ſo naked

" to

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" to the violence of the Turkiſh pyrates, that many great
" ſhips of value, and thouſands of his majeſty's ſubjects,
" have been taken by them, and do ſtill remain in miſerable
" ſlavery.

" 21. The enlargement of foreſts, contrary to Charta de
" Foreſta, and the compoſition thereupon.

" 22. The exactions of coat and conduct-money, and di-
" vers other military charges (11).

Rem. 11. The king being engaged in a war againſt Scotland, ordered that every county ſhould find a certain number of ſoldiers, and cloath and pay them, till they came to the place of the general rendezvous, on condition of being repaid another time. On this pretence it was agreed with the counties, that they ſhould ſupply the king with a certain ſum proportionable to the number of ſoldiers each county was to cloath and pay, for which the king took the whole charge upon himſelf. This was called coat and conduct money, that is to ſay, money for cloathing and conducting the troops. But this money was never reſtored.

" 23. The taking away the arms of the trained-bands of
" divers counties (12).

Rem. (12). The king intending to make a magazine of arms in the caſtle of Edinburgh, found no ſpeedier way than to take, in ſome counties, the arms of the militia, and ſend them to Scotland. But it was pretended, that at the ſame time his deſign was to diſarm, under that pretence, ſuch perſons as were not well-affected to him. Accordingly this is inſinuated by the remonſtrance, in the following article concerning powder.

" 24. The deſperate deſign of engroſſing all the gunpow-
" der into one hand, keeping it in the Tower of London,
" and ſetting ſo high a rate upon it, that the poorer ſort
" were not able to buy it; nor could any have it without
" licence; thereby to leave the ſeveral parts of the kingdom
" deſtitute of their neceſſary defence; and by ſelling ſo dear
" that which was ſold, to make an unlawful advantage of it,
" to the great charge and detriment of the ſubject.

" 25. The general deſtruction of the king's timber, eſpe-
" cially that in the foreſt of Dean, ſold to papiſts, which
" was the beſt ſtorehouſe of this kingdom for the mainte-
" nance of our ſhipping (13).

Rem. (13.) Theſe points are perhaps a little aggravated, at leaſt in reſpect to the motives and conſequences.

" 26. The

" 26. The taking away men's right under colour of Charles I.
" the king's title to land, between high and low water 1641.
" marks.

" 27. The monopolies of ſoap, ſalt, wine, leather, ſea-
" coal, and in a manner, of all things of moſt common and
" neceſſary uſe.

" 28. The reſtraints of the liberties of the ſubjects in their
" habitation, [illegible], and other intereſts.

" 29. Their [illegible]ion and oppreſſion by purveyors, clerks
" of the market, and ſaltpetre-men.

" 30. The ſale of pretended nuſances, buildings in and
" about London.

" 31. Converſion of arable into paſture, continuance of
" paſture under the name of depopulation, have driven many
" millions out of the ſubjects purſes, without any conſider-
" able profit to his majeſty (14).

Rem. (14). The woollen trade being the great ſource of the riches of England, the ſubjects were enjoined by ſeveral ſtatutes, not to change paſture into arable land, for fear of leſſening the flocks, and conſequently the wool. In king Charles reign, the offenders againſt theſe ſtatutes were ſtrictly inquired after, not with a view to hinder the abuſes, but to authorize them by a compoſition with the king.

" 32. Large quantities of common and ſeveral grounds
" hath been taken from the ſubject, by colour of the
" ſtatute of improvement, and by abuſe of the commiſſion
" of ſewers, without their conſent, and againſt it (15).

Rem. (15). Commiſſioners of ſewers are ſuch as by authority under the great ſeal, ſee drains and ditches well kept and maintained in marſhy and fenny countries, for the better conveyance of the water into the ſea, and preſerving graſs upon the land for the feeding of flocks and herds. The commons complain that this commiſſion was abuſed.

" 33. And not only private intereſt, but alſo public
" faith hath been broken, in ſeizing of the money and
" bullion in the mint, and the whole kingdom like to be
" robbed at once, in that abominable project of braſs
" money (16).

Rem. (16). The king took but forty thouſand pounds out of the mint, which ſum was afterwards repaid to the proprietors.

" 34. Great numbers of his majeſty's ſubjects, for refuſ-
" ing thoſe unlawful charges, have been vexed with long
" and expenſive ſuits; ſome fined and cenſured, others com-

" mitted

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" mitted to long and hard impriſonments and confinements, " to the loſs of health in many, of life in ſome; and others " have had their houſes broken up, their goods ſeized; ſome " have been reſtrained from their lawful callings.

" 35. Ships have been interrupted in their voyages, ſur- " prized at ſea in hoſtile manner by projectors, as by a com- " mon enemy.

" 36. Merchants prohibited to unlade their goods in ſuch " ports as were for their own advantage, and forced to bring " them to thoſe places which were much for the advantage " of the monopolizers and projectors.

" 37. The court of ſtar-chamber hath abounded in ex- " travagant cenſures, not only for the maintenance and im- " provement of monopolies and other unlawful taxes, but " for divers other cauſes, where there hath been no offence, " or very ſmall; whereby his majeſty's ſubjects have been " oppreſſed by grievous fines, impriſonments, ſtigmatizing, " mutilations, whippings, pillories, gags, confinements, ba- " niſhments; after ſo rigid a manner, as hath not only de- " prived men of the ſociety of their friends, exerciſe of their " profeſſions, comfort of books, uſe of paper and ink, but " even violated that near union which God hath eſtabliſhed " betwixt men and their wives, by forced and conſtrained " ſeparation, whereby they have been bereaved of the com- " fort and converſation one of another for many years to- " gether, without hope of relief, if God had not, by his " over-ruling providence, given ſome interruption to the " prevailing power and council of thoſe who were the " authors and promoters of ſuch peremptory and heady " courſes (17).

Rem. (17). This whole article relates to the rigorous treatment of Prynn, Baſtwick, and Burton, by the ſtar-chamber.

" 38. Judges have been put out of their places for re- " fuſing to do againſt their oaths and conſciences: others " have been ſo awed, that they durſt not do their duties; " and the better to hold a rod over them, the clauſe, Quam " diu ſe bene geſſerit, was left out of their patents, and a " new clauſe, Durante bene placito, inſerted.

" 39. Lawyers have been checked for being faithful to " their clients: ſollicitors and attorneys have been threatened, " and ſome puniſhed for following lawful ſuits. And by this " means all the approaches to juſtice were interrupted and " fore-cluded.

" 40. New

" 40. New oaths have been forced upon the ſubject againſt Charles I.
" law. 1641.

" 41. New judicatories erected without law. The council-
" table have by their orders offered to bind the ſubjects in
" their freeholds, eſtates, ſuits, and actions.

" 42. The pretended court of the earl marſhal was arbi-
" trary and illegal in its being and proceedings.

" 43. The chancery, exchequer-chamber, court of wards,
" and other Engliſh courts, have been grievous in exceeding
" their juriſdiction.

" 44. The eſtate of many families weakened, and ſome
" ruined, by exceſſive fines, exacted from them for compoſi-
" tions of wardſhips.

" 45. All leaſes of above one hundred years made to draw
" on wardſhip, contrary to law.

" 46. Undue proceedings uſed in the finding of offices, to
" make the jury find for the king.

" 47. The common law courts, ſeeing all men more in-
" clined to ſeek juſtice there, where it may be fitted to their
" own deſires, are known frequently to forſake the rules of
" the common law, and ſtraying beyond their bounds, un-
" der pretence of equity, to do injuſtice (18).

Rem. (18). The laws of England are divided into common law, and ſtatute law; the firſt is founded on ancient cuſtom, etc. and the other on acts of parliament: from theſe laws the judges are not allowed to ſwerve, either to the right or left [s]. The court of chancery only may in ſome caſes judge according to equity. Now the king's courts in taking upon them to judge according to equity, and not according to ſtrict law, had exceeded their juriſdiction in order to favour the court.

" 48. Titles of honour, judicial places, ſerjeantſhips at
" law, and other offices have been ſold for great ſums of mo-
" ney, whereby the common juſtice of the kingdom hath
" been much endangered, not only by opening a way of
" employment, in places of great truſt and advantage to men
" of weak parts, but alſo by giving occaſion to bribery, ex-
" tortion, partiality; it ſeldom happening that places ill-
" gotten are well uſed (19).

Rem. (19). A ſerjeant at law [or of the coif], ſerviens ad legem, is the higheſt degree taken in that profeſſion, as that of doctor is in the civil law. One court is peculiar to them,

[s] The author in this remark has confounded in the original the common and ſtatute law, making them to be the ſame.

namely,

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namely, the court of common pleas, though they are not restrained from pleading in any other court. Out of these are chosen one or more king's serjeants, to plead for him in all causes, especially in those of treason [t].

" 49. Commissions have been granted for examining the " excess of fees: and when great exactions have been dis- " covered, compositions have been made with delinquents, " not only for the time past, but likewise for immunity, and " security in offending for the time to come, which under " colour of remedy, hath but confirmed and increased the " grievance to the subject.

" 50. The usual course of pricking sheriffs not observed, " but many times sheriffs made in an extraordinary way; " sometimes as a punishment and charge unto them (20), " sometimes such were pricked out as would be instruments " to execute whatsoever they would have to be done.

Rem. (20). To hinder them from being chosen to serve in parliament, as sir Edward Coke, sir Robert Philips, and sir Thomas Wentworth.

" 51. The bishops and the rest of the clergy did triumph " in the suspensions, excommunications, deprivations, and " degradations of divers painful, learned, and pious mini- " sters, in the vexation and grievous oppressions of great " numbers of his majesty's good subjects.

" 52. The high-commission grew to such excess of sharp- " ness and severity, as was not much less than the Romish " inquisition; and yet, in many cases, by the archbishop's " power, was made much more heavy, being assisted and " strengthened by authority of the council-table.

" 53. The bishops and their courts were as eager in the " country; although their jurisdiction could not reach so high " in rigour and extremity of punishment, yet were they no " less grievous in respect of the generality and multiplicity " of vexations, which lighting upon the meaner sort of trades- " men and artificers, did impoverish many thousands;

" 54. And so afflict and trouble others, that great numbers, " to avoid their miseries, departed out of the kingdom; some " into New-England, and other parts of America, others " into Holland:

" 55. Where they have transported their manufactures of " cloth; which is not only a loss by diminishing the present " stock of the kingdom, but a great mischief by impairing

[t] The author has committed likewise some mistakes in this remark, which are corrected in the translation.

and

" and endangering the loſs of that peculiar trade of cloath- Charles I.
" ing, which hath been a plentiful fountain of wealth and 1641.
" honour to this nation.

" 56. Thoſe were fitteſt for eccleſiaſtical preferments, and
" ſooneſt obtained it, who were moſt officious in promoting
" ſuperſtition, moſt virulent in railing againſt godlineſs and
" honeſty (21).

Rem. (21). By theſe are to be underſtood ſuch as were moſt incenſed againſt preſbyterianiſm.

" 57. The moſt public and ſolemn ſermons before his ma-
" jeſty, were either to advance prerogative above law, and
" decry the property of the ſubject, or full of ſuch kind of
" invectives;

" 58. Whereby they might make thoſe odious who fought
" to maintain the religion, laws, and liberties of the king-
" dom; and ſuch men were ſure to be weeded out of the
" commiſſion of the peace, and out of all other employments
" of power, in the government of the country.

" 59. Many noble perſons were counſellors in name, but
" the power and authority remained in a few of ſuch as were
" moſt addicted to this party: whoſe reſolutions and deter-
" minations were brought to the table for countenance and
" execution, and not for debate and deliberation; and no
" man could offer to oppoſe them without diſgrace and ha-
" zard to himſelf.

" 60. Nay, all thoſe that did not wholly concur, and ac-
" tively contribute to the furtherance of their deſigns, though
" otherwiſe perſons of never ſo great honour and abilities,
" were ſo far from being employed in any place of truſt and
" power, that they were neglected, diſcountenanced, and up-
" on all occaſions injured and oppreſſed.

" 61. This faction was grown to that height and en-
" tireneſs of power, that now they began to think of fi-
" niſhing of their work, which conſiſted of theſe three
" parts.

" 62. I. The government muſt be ſet free from all re-
" ſtraint of laws concerning our perſons and eſtates.

" 63. II. There muſt be a conjunction betwixt papiſts and
" proteſtants in doctrine, diſcipline, and ceremonies, only it
" muſt not yet be called popery.

" 64. III. The puritans, under which name they include
" all thoſe that deſire to preſerve the laws and liberties of
" the kingdom, and to maintain religion in the power of it,
" muſt be either rooted out of the kingdom with force, or
" driven out with fear.

" 65. For

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" 65. For the effecting of this, it was thought neceſſary " to reduce Scotland to ſuch popiſh ſuperſtitions and innova- " tions, as might make them apt to join with England in " that great change which was intended.

" 66. Whereupon new canons and a new liturgy were " preſſed upon them; and when they refuſed to admit of " them, an army was raiſed to force them to it, towards " which the clergy and the papiſts were very forward in their " contribution.

" 67. The Scots likewiſe raiſed an army for their de- " fence.

" 68. And when both armies were come together, and " ready for a bloody encounter, his majeſty's own gracious " diſpoſition, and the council of the Engliſh nobility, and " dutiful ſubmiſſion of the Scots, did ſo far prevail againſt " the evil council of others, that a pacification was made, " and his majeſty returned with peace and much honour to " London.

" 69. The unexpected reconciliation was moſt acceptable " to all the kingdom except to the malignant party; where- " of the archbiſhop and the earl of Strafford being heads, " they and their faction began to inveigh againſt the peace, " and to aggravate the proceedings of the ſtates, which ſo " incenſed his majeſty, that he forthwith prepared again for " war.

" 70. And ſuch was their confidence, that having cor- " rupted and diſtempered the whole frame and government " of the kingdom, they did now hope to corrupt that which " was the only means to reſtore all to a right frame and tem- " per again.

" 71. To which end they perſuaded his majeſty to call a " parliament, not to ſeek counſel and advice of them, but to " draw countenance and ſupply from them, and to engage " the whole kingdom in their quarrel.

" 72. And in the mean time, continued all their unjuſt " levies of money, reſolving either to make the parliament " pliant to their will, and to eſtabliſh miſchief by a law, or " elſe to break it, and with more colour to go on by " violence, to take what they could not obtain by conſent. " The ground alledged for the juſtification of this war was " this:

" 73. That the undutiful demands of the parliaments in " Scotland was a ſufficient reaſon for his majeſty to take arms " againſt them, without hearing the reaſon of thoſe demands, " and thereupon a new army was prepared againſt them; their

" ſhips

" ſhips were ſeized in all parts both of England and Ireland, Charles I.
" and at ſea; their petitions rejected, their commiſſioners 1641.
" refuſed audience.

" 74. This whole kingdom moſt miſerably diſtempered " with levies of men and money; and impriſonments of " thoſe who denied to ſubmit to thoſe levies.

" 75. The earl of Strafford paſſed into Ireland, cauſed " the parliament there to declare againſt the Scots, to give " four ſubſidies towards that war; and to engage themſelves, " their lives and fortunes for the proſecution of it; and gave " directions for an army of eight thouſand foot, and one " thouſand horſe, to be levied there, which were for the moſt " part papiſts.

" 76. The parliament met upon the 13th of April 1640. " The earl of Strafford, and archbiſhop of Canterbury, with " their party, ſo prevailed with his majeſty, that the houſe " of commons was preſſed to yield a ſupply for maintenance " of the war with Scotland, before they had provided any " relief for the great and preſſing grievances of the peo- " ple; which being againſt the fundamental privilege and " proceeding of parliament, was yet in humble reſpect to " his majeſty ſo far admitted, as that they agreed to take " the matter of ſupply into conſideration, and two ſeveral " days it was debated.

" 77. Twelve ſubſidies were demanded for the releaſe of " ſhip-money alone: a third day was appointed for concluſion, " when the heads of that party began to fear, the people " might cloſe with the king, in ſatisfying his deſires of money: " but that withal, they were like to blaſt their malicious de- " ſigns againſt Scotland, finding them very much indiſpoſed " to give any countenance to that war.

" 78. Thereupon they wickedly adviſed the king to break " off the parliament, and to return to the ways of confuſion, " in which their own evil intentions were moſt like to proſ- " per and ſucceed. (22).

Rem. (22). The lord Clarendon, then a member of the houſe of commons, affirms, that the houſe was very well inclined to ſatisfy the king, if he would have had a little patience, and that he repented afterwards his precipitation. This confirms what is ſaid here, that the parliament was diſſolved, for ſome private ends of thoſe who moſt influenced the king's council.

" 79. After the parliament ended, the 5th of May 1640, " this party grew ſo bold, as to counſel the king to ſupply

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" himſelf out of his ſubjects eſtates, by his own power, at " his own will, without their conſent.

" 80. The very next day, ſome members of both houſes " had their ſtudies and cabinets, yea their pockets ſearched: " another of them not long after was committed cloſe pri- " ſoner, for not delivering ſome petitions which he received " by authority of that houſe.

" 81. And if harſher courſes were intended (as was report- " ed) it was very probable, that the ſickneſs of the earl of " Strafford, and the tumultuous riſing in Southwark and about " Lambeth, were the cauſes that ſuch violent intentions were " not brought to execution.

" 82. A falſe and ſcandalous declaration againſt the houſe " of commons was publiſhed in his majeſty's name, which " yet wrought little effect with the people, but only to ma- " niſeſt the impudence of thoſe who were authors of it.

" 83. A forced loan of money was attempted in the city of " London.

" 84. The lord-mayor and aldermen in their ſeveral wards, " enjoined to bring in a liſt of the names of ſuch perſons as " they judged fit to lend, and of the ſum they ſhould lend, " and ſuch aldermen as refuſed ſo to do were committed to " priſon.

" 85. The archbiſhop, and the other biſhops and clergy " continued the convocation, and by a new commiſſion turned " it into a provincial ſynod, in which, by an unheard-of " preſumption, they made canons that contain in them many " matters, contrary to the king's prerogative; to the fun- " damental laws and ſtatutes of the realm; to the right of " parliaments; to the property and liberty of the ſubject; " and matters tending to ſedition, and of dangerous conſe- " quence; thereby eſtabliſhing their own uſurpations, juſti- " fying their altar-worſhip, and thoſe other ſuperſtitious in- " novations, which they formerly introduced without war- " rant of law.

" 86. They impoſed a new oath upon divers of his ma- " jeſty's ſubjects both eccleſiaſtical and lay, for maintenance " of their own tyranny, and laid a great tax upon the clergy " for ſupply of his majeſty, and generally they ſhewed them- " ſelves very affectionate to the war with Scotland, which was " by ſome of them ſtiled Bellum Epiſcopale, and a prayer " compoſed, and enjoined to be read in churches, calling the " Scots rebels, to put the two nations in blood, and make " them irreconcileable.

" 87. All

" 87. All thoſe pretended canons and conſtitutions were armed with the ſeveral cenſures of ſuſpenſion, excommunication, deprivation, by which they would have thruſt out all the good miniſters, and moſt of the well-affected people of the kingdom, and left an eaſy paſſage to their own deſign of reconciliation with Rome. (22). Charles I. 1641.

Rem. (23). The commons go doubtleſs too far, when they impute to the whole convocation of 1640, the deſign of reſtoring popery. This is not at all likely, ſuppoſing it were true, that ſome of the biſhops had formed ſuch a project, which was never well proved [u].

" 88. The popiſh party enjoyed ſuch exemptions from penal laws, as amounted to a toleration, beſides many other encouragements and court-favours.

" 89. They had a ſecretary of ſtate, ſir Francis Windebank, a powerful agent for ſpeeding all their deſires.

" 90. A pope's nuncio reſiding here, to act and govern them according to ſuch influences as he received from Rome, and to intercede from them with the moſt powerful concurrence of the foreign princes of that religion.

" 91. By his authority the papiſts of all ſorts, nobility, gentry, and clergy were, convocated after the manner of a parliament.

" 92. New juriſdictions were erected of Romiſh archbiſhops, taxes levied, another ſtate moulded within this ſtate independent in government, contrary in intereſt and affection, ſecretly corrupting the ignorant or negligent profeſſors of our religion, and cloſely uniting and combining themſelves againſt ſuch as were found in this poſture, waiting for an opportunity by force to deſtroy, thoſe whom they could not hope to ſeduce.

" 93. For the effecting whereof, they were ſtrengthned with arms and munition, encouraged by ſuperſtitious prayers, enjoined by the nuncio, to be weekly made for the proſperity of ſome great deſign.

" 94. And ſuch power had they at court, that ſecretly a commiſſion was iſſued out, or intended to be iſſued to ſome great man of that profeſſion, for the levying of ſoldiers, and to command and employ them according to private inſtructions, which we doubt were framed for the advantage of thoſe who were the contrivers of them.

[u] It is obſervable, that this very convocation cenſured Goodman, biſhop of Gloceſter, for favouring popery.

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" 95. His majeſty's treaſure was conſumed, his revenue " anticipated.

" 96. His ſervants and officers compelled to lend great ſums " of money.

" 97. Multitudes were called to the council-table, who " were tired with long attendances there, for refuſing illegal " payments.

" 98. The priſons were filled with their commitments: " many of the ſheriffs ſummoned into the ſtar-chamber; " and ſome impriſoned for not being quick enough in levy- " ing the ſhip-money; the people languiſhed under grief " and fear; no viſible hope being left but in deſpera- " tion.

" 99. The nobility began to be weary of their ſilence " and patience, and ſenſible of the duty and truſt which be- " longs to them; and thereupon ſome of the moſt antient of " them did petition his majeſty at ſuch a time, when evil " counſellors were ſo ſtrong, that they had occaſion to expect " more hazard to themſelves, than redreſs of thoſe public " evils for which they interceded.

" 100. Whilſt the kingdom was in this agitation and di- " ſtemper, the Scots reſtrained in their trades, impoveriſhed " by the loſs of many of their ſhips, bereaved of all poſſibi- " lity of ſatisfying his majeſty by any naked ſupplications, " entered with a powerful army into the kingdom, and with- " out any hoſtile act or ſpoil in the country they paſſed, " more than forcing a paſſage over the Tyne at Newburne " near Newcaſtle; poſſeſſed themſelves of Newcaſtle; and " had a fair opportunity to preſs on farther upon the king's " army.

" 101. But duty and reverence to his majeſty, and " brotherly love to the Engliſh nation, made them ſtay " there, whereby the king had leiſure to entertain better coun- " ſels.

" 102. Wherein God ſo bleſſed and directed him, that he " ſummoned the great council of peers to meet at York upon " the 24th of September, and there declared a parliament, " to begin the third of November then following.

" 103. The Scots, the firſt day of the great council, pre- " ſented an humble petition to his majeſty, whereupon the " treaty was appointed at Rippon.

" 104. A preſent ceſſation of arms agreed upon, and the " full concluſion of all differences referred to the wiſdom " and care of the parliament. (24.)



Rem.

Rem. (24.) The commons ſuppoſe, that as the Scots had petitioned the king to redreſs their grievances with the advice of the parliament of England; and as on that occaſion the king had called a parliament, this was a tacit conſent of both parties to leave things to the parliament of England. But this is only a ſuppoſition; for there was no agreement to refer matters to the parliament. Charles I. 1641.

" 105. At our firſt meeting all oppoſition ſeemed to vaniſh, " the miſchiefs were ſo evident, which thoſe evil counſellors " produced, that no man durſt ſtand up to defend them, yet " the work itſelf afforded difficulty enough.

" 106. The multiplied evils and corruptions of ſixteen " years, ſtrengthened by cuſtom and authority, and the con- " current intereſt of many powerful delinquents, were now " to be brought to judgment and reformation.

" 107. The king's houſehold was to be provided for; they " had brought him to that want, that he could not ſupply " his ordinary and neceſſary expences without the aſſiſtance " of his people.

" 108. Two armies were to be paid, which amounted " very near to eighty thouſand pounds a month.

" 109. The people were to be tenderly charged, hav- " ing been formerly exhauſted with many burthenſome pro- " jects.

" 110. The difficulties ſeemed to be inſuperable, which " by the divine providence we have overcome. The con- " trarieties incompatible, which yet in a great meaſure we " have reconciled.

" 111. Six ſubſidies have been granted, and a bill of poll- " money [x], which if it be duly levied, may equal ſix ſubſidies " more, in all ſix hundred thouſand pounds.

" 112. Beſides, we have contracted a debt to the Scots of " two hundred and twenty thouſand pounds; yet God hath ſo " bleſſed the endeavours of this parliament, that the kingdom " is a great gainer by all theſe charges.

" 113. The ſhip-money is aboliſhed, which coſt the king- " dom above two hundred thouſand pounds a year.

" 114. The coat and conduct-money, and other military " charges are taken away, which in many counties amounted " to little leſs than the ſhip-money.

x This poll-tax was raiſed for paying the Scotch army. And it was according to the following proportion. A duke paid 100 l. a marquis 80 l. an earl 60 l. viſcounts and barons 40 l. knights of the Bath 30 l. knights batchelors 20 l. eſquires 10 l. every gentleman that could ſpend 100 l. a year, 5 l. and others in proportion. Hiſt. of Taxes, p. 287.

Charles I. 1641.

" 115. The monopolies are all ſuppreſt, whereof ſome " few did prejudice the ſubject above a million yearly.

" 116. The ſoap, an hundred thouſand pounds.

" 117. The wine, three hundred thouſand pounds.

" 118. The leather muſt needs exceed both, and ſalt could " be no leſs than that.

" 119. Beſides the inferior monopolies, which if they " could be exactly computed, would make up a great ſum.

" 120. That which is more beneficial than all this, is, " that the root of theſe evils is taken away, which was the " arbitrary power pretended to be in his majeſty, of taxing " the ſubject, or charging their eſtates without conſent in " parliament, which is now declared to be againſt law, by " the judgment of both houſes, and likewiſe by an act of " parliament.

" 121. Another ſtep of great advantage is this, the living " grievances, the evil counſellors and actors of theſe miſchiefs " have been ſo quelled.

" 122. By the juſtice done upon the earl of Strafford, the " flight of the lord Finch, and ſecretary Windebank.

" 123. The accuſation and impriſonment of the archbiſhop " of Canterbury, of judge Berkley; and,

" 124. The impeachment of divers other biſhops and judges, " that it is like not only to be an eaſe to the preſent times, " but a preſervation to the future.

" 125. The diſcontinuance of parliaments is prevented by " the bill for a Triennial parliament, and the abrupt diſſo- " lution of this parliament by another bill, by which it is " provided, it ſhall not be diſſolved or adjourned without the " conſent of both houſes.

" 126. Which two laws well conſidered, may be thought " more advantagious than all the former, becauſe they ſecure " a full operation of the preſent remedy, and afford a perpe- " tual ſpring of remedies for the future.

" 127. The ſtar-chamber;

" 128. The high-commiſſion;

" 129. The courts of the preſident and council in the " north, were ſo many forges of miſery, and oppreſſion, and " violence, and are all taken away, whereby men are more " ſecured in their perſons, liberties, and eſtates, than they " could by any law or example, for the regulation of thoſe " courts of terror of the judges.

" 130. The immoderate power of the council-table, and " the exceſſive abuſe of that power is ſo ordered and re- " ſtrained, that we may well hope, that no ſuch things as

" were

" were frequently done by them, to the prejudice of the pub- Charles I.
" lic liberty, will appear in future times but only in ſtories, 1641.
" to give us and our poſterity more occaſion to praiſe God for
" his majeſty's goodneſs, and the faithful endeavours of this
" parliament.

" 131. The canons and power of canon-making are blaſt-
" ed by the votes of both houſes.

" 132. The exorbitant power of biſhops and their courts
" are much abated, by ſome proviſions in the bill againſt the
" high commiſſion courts, the authors of the many innova-
" tions in doctrine and ceremonies.

" 133. The miniſters that have been ſcandalous in their
" lives, have been ſo terrified by juſt complaints and accuſa-
" tions, that we may well hope they will be more modeſt
" for the time to come; either inwardly convicted by the
" ſight of their own folly, or outwardly reſtrained by the fear
" of puniſhment.

" 134. The foreſts are by a good law reduced to their
" right bounds.

" 135. The encroachments and oppreſſions of the Stannery
" courts [r], the extortions of the clerk of the market.

" 136. And the compulſion of the ſubject, to receive the
" order of knighthood againſt his will, paying of fines for
" not receiving it; and the vexatious proceedings thereupon
" for levying of thoſe fines, are by other beneficial laws re-
" formed and prevented.

" 137. Many excellent laws and proviſions are in prepara-
" tion for removing the inordinate power, vexation and uſur-
" pations of biſhops; for reforming the pride and idleneſs of
" many of the clergy; for eaſing the people of unneceſſary
" ceremonies in religion; for cenſuring and removing un-
" worthy and unprofitable miniſters, and for maintaining
" godly and diligent preachers through the kingdom.

" 138. Other things of main importance for the good of
" this kingdom are in propoſition, though little could hitherto
" be done in regard of the many other more preſſing buſineſſes,
" which yet before the end of this ſeſſion we hope may re-
" ceive ſome progreſs and perfection.

" 139. The eſtabliſhing and ordering the king's revenue,
" that ſo the abuſe of officers, and ſuperfluity of expences
" may be cut off, and the neceſſary diſburſements for his ma-

[r] Courts, wherein affairs relating to the tinners, and tin-mines, are decided. So called from the Latin word Stannum, Tin.

Charles I. 1641.

" jeſty's honour, the defence and government of the king-
" dom, may more certainly be provided for.

" 140. The regulating of courts of juſtice, and abridging
" both the delays and charges of law-ſuits.

" 141. The ſettling of ſome good courſes for preventing
" the exportation of gold and ſilver, and the inequality of ex-
" changes betwixt us and other nations, for the advancing of
" native commodities, encreaſe of our manufacturies, and
" well-ballancing of trade, whereby the ſtock of the kingdom
" may be increaſed, or at leaſt kept from impairing, as through
" neglect hereof it hath done for many years laſt paſt:

" 142. Improving the herring-fiſhing upon our own coaſts,
" which will be of mighty uſe in the employment of the poor,
" and a plentiful nurſery of mariners, for enabling the king-
" dom in any great action.

" 143. The oppoſitions, obſtructions, and other difficul-
" ties wherewith we have been encountered, and which ſtill
" lie in our way with ſome ſtrength, and much obſtinacy,
" are theſe; the malignant party, whom we have formerly
" deſcribed to be the actors and promoters of all our miſery,
" that have taken heart again:

" 144. They have been able to prefer ſome of their own
" factors and agents to degrees of honour, to places of truſt
" and employment, even during the parliament:

" 145. They have endeavoured to work in his majeſty ill
" impreſſions and opinions of our proceedings, as if we had
" altogether done our own work, and not his; and had ob-
" tained from him many things very prejudicial to the crown,
" both in reſpect of prerogative and profit.

" 146. To wipe out this ſlander, we think good only to
" ſay thus much; that all that we have done is for his ma-
" jeſty, his greatneſs, honour, and ſupport, when we yield
" to give twenty five thouſand pounds a month for the relief
" of the northern countie; this was given to the king, for
" he was bound to protect his ſubjects.

" 147. They were his majeſty's evil counſellors, and their
" ill inſtruments, that were actors in thoſe grievances which
" brought in the Scots.

" 148. And if his majeſty pleaſe to force thoſe who were
" the authors of this war, to make ſatisfaction, as he might
" juſtly and eaſily do, it ſeems very reaſonable, that the peo-
" ple might well be excuſed from taking upon them this bur-
" den, being altogether innocent, and free from being any
" cauſe of it.

" 149. When

" 149. When we underto k the charge of the army, which Charles I.
" coſt above 50,000l. a month, was not this given to the 1641.
" king? Was it not his majeſty's army? Were not all the
" commanders under contract with his majeſty at higher rates,
" and greater wages than ordinary?

" 150. And have not we taken upon us to diſcharge all
" the brotherly aſſiſtance of three hundred thouſand pounds,
" which we gave the Scots? was it not toward repair of thoſe
" damages and loſſes which they received from the king's
" ſhips, and from his miniſters?

" 151. Theſe three particulars amount to above eleven
" hundred thouſand pounds.

" 152. Beſides his majeſty hath received, by impoſitions
" upon merchandiſe, at leaſt four hundred thouſand pounds.

" 153. So that his majeſty hath had out of the ſubjects
" purſe, ſince the parliament began, one million and a half;
" and yet theſe men can be ſo impudent, as to tell his ma-
" jeſty, that we have done nothing for him.

" 154. As to the ſecond branch of this ſlander, we acknow-
" ledge with much thankfulneſs, that his majeſty hath paſſed
" more good bills to the advantage of his ſubjects than have
" been in many ages.

" 155. But withal, we cannot forget that thoſe venomous
" counſels did manifeſt themſelves in ſome endeavours to hin-
" der theſe good acts.

" 156. And for both houſes of parliament we may with
" truth and modeſty ſay thus much: that we have ever been
" careful not to deſire any thing that ſhould weaken the crown,
" either in juſt profit or uſeful power.

" 157. The triennial parliament for the matter of it, doth
" not extend to ſo much, as by law we ought to have requir-
" ed, there being two ſtatutes ſtill in force for a parliament
" to be once a year (25.), and for the manner of it, it is in
" the king's power, that it ſhall never take effect, if he,
" by a timely ſummons, ſhall prevent any other way of
" aſſembling. (26).

Rem. (25). But theſe ſtatutes, by diſuſe, were grown obſo-lete, like that of Edward II. on which the king proceeded to compel the people to receive the order of knighthood.

Rem. (26). The commons might have ſaid, that he was himſelf the cauſe of this act, for not calling a parliament in twelve years.

" 158. In the bill for continuance of this preſent parlia-
" ment, there ſeems to be ſome reſtraint of the royal power
" in diſſolving of parliaments, not to take it out of the crown,

" but

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" but to ſuſpend the execution of it for this time and occa-
" ſion only; which was ſo neceſſary for the king's own ſecu-
" rity, and the public peace, that without it we could not
" have undertaken any of theſe great charges, but muſt have
" left both the armies to diſorder and confuſion, and the whole
" kingdom to blood and rapine. (27).

Rem. (27). The commons underſtand here more than they expreſs. Their aim is to ſhow, that without this act, the king would not have failed to diſſolve the parliament; conſequently the peace with Scotland would not have been concluded, and the two armies would have ravaged the kingdom.

" 159. The ſtar-chamber was much more fruitful in op-
" preſſion than in profit, the great fines being for the moſt part
" given away, and the reſt ſtalled at long times.

" 160. The fines of the high-commiſſion were in them-
" ſelves unjuſt, and ſeldom or never came into the king's
" purſe. Theſe four bills are particularly and more ſpecially
" inſtanced.

" 161. In the reſt there will not be found ſo much as a ſha-
" dow of prejudice to the crown.

" 162. They have ſought to diminiſh our reputation with
" the people, and to bring them out of love with parlia-
" ments.

" 163. The aſperſions which they have attempted this way
" have been ſuch as theſe;

" 164. That we have ſpent much time and done little,
" eſpecially in thoſe grievances which concern religion.

" 165. That the parliament is a burthen to the kingdom,
" by the abundance of protections which hinder juſtice and
" trade (28), and by many ſubſidies granted, much more
" heavy than formerly endured.

Rem. (28.) Every member of parliament had a right to grant protections to his ſervants and dependents, ſo that they cannot be proſecuted in any courts. It is certain, this right was abuſed by many members, in granting protections to perſons without any lawful foundation; nay, ſome even ſold them.

" 166. To which there is a ready anſwer, if the time ſpent
" in this parliament, be conſidered in relation backward to
" the long growth and deep root of thoſe grievances which
" we have removed, to the powerful ſupports of thoſe delin-
" quents which we have purſued, to the great neceſſities
" and other charges of the commonwealth, for which we have
" provided;



" 167. Or

" 167. Or if it be conſidered in relation forward to many Charles I.
" advantages, which not only the preſent, but future ages are 1641.
" like to reap by the good laws, and other proceedings in this
" parliament; we doubt not but it will be thought by all in-
" different judgments, that our time hath been much better
" employed, than in a far greater proportion of time in many
" former parliaments put together, and the charges which
" have been laid upon the ſubjects, and the other inconve-
" niencies which they have born, will ſeem very light in re-
" ſpect of the benefit they have and may receive.

" 168. And for the matter of protection, the parliament
" is ſo ſenſible of it, that therein they intend to give them
" whatſoever eaſe may ſtand with honour and juſtice, and
" are in a way of paſſing a bill to give them ſatisfaction.

" 169. They have ſought by many ſubtle practices to cauſe
" jealouſies and diviſions betwixt us and our brethren of Scot-
" land, by ſlandering their proceedings and intentions to-
" ward us, and by ſecret endeavours to inſtigate and incenſe
" them and us one againſt another.

" 170. They have had ſuch a party of biſhops and popiſh
" lords in the houſe of peers, as hath cauſed much oppoſition
" and delay in the proſecution of delinquents, hindered the
" proceedings of divers good bills paſſed in the commons
" houſe, concerning the reformation of ſundry great abuſes
" and corruptions both in church and ſtate.

" 171. They have laboured to ſeduce and corrupt ſome
" of the commons houſe, to draw them into conſpiracies and
" combinations againſt the liberty of the parliament.

" 172. And by their inſtruments and agents, they have
" attempted to diſaffect and diſcontent his majeſty's army;
" and to engage it for the maintenance of their wicked and
" traiterous deſigns; the keeping up of biſhops in votes and
" functions, and by force to compel the parliament to order,
" limit, and diſpoſe their proceedings in ſuch manner, as might
" beſt concur with the intentions of this dangerous and po-
" tent faction.

" 173. And when one miſchievous deſign and attempt of
" theirs, to bring on the army againſt the parliament, and the
" city of London, hath been diſcovered and prevented;

" 174. They preſently undertook another of the ſame
" damnable nature, with this addition to it, to endeavour to
" make the Scotiſh army neutral, whilſt the Engliſh army,
" which they had laboured to corrupt and invenom againſt
" us, by their falſe and ſlanderous ſuggeſtions, ſhould execute

" their

Charles I. 1641. "their malice, to the ſubverſion of our religion, and the diſ-
"ſolution of our government.

"175. Thus they have been continually practiſing to di-
"ſturb the peace, and plotting the deſtruction even of all the
"king's dominions; and have employed their emiſſaries and
"agents in them, all for the promoting their deviliſh deſigns,
"which the vigilancy of thoſe who were well affected, hath
"ſtill diſcovered and defeated, before they were ripe for exe-
"cution in England and Scotland.

"176. Only in Ireland, which was farther off, they have
"had time and opportunity to mould and prepare their
"work, and had brought it to that perfection, that they had
"poſſeſſed themſelves of that whole kingdom, totally ſub-
"verted the government of it, rooted out religion, and de-
"ſtroyed all the proteſtants, whom the conſcience of their
"duty to God, their king and country, would not have per-
"mitted to join with them, if by God's wonderful providence,
"their main enterprize upon the city and caſtle of Dublin
"had not been detected and prevented upon the very eve be-
"fore it ſhould have been executed.

"177. Notwithſtanding they have, in other parts of that
"kingdom, broken out into open rebellion, ſurpriſing towns
"and caſtles, committed murders, and rapes, and other vil-
"lanies, and ſhaken off all bounds of obedience to his ma-
"jeſty and the laws of the realm. (29.)

Rem. (29.) The commons, in theſe two laſt articles, conſider the malignant party of England as the principal authors of the Iriſh rebellion, and artfully confound whatever had been done in England for fifteen years, and the maſſacre of Ireland in 1641, under the ſame idea, as proceeding from the ſame ſource, which was never well proved.

"178. And in general have kindled ſuch a fire, as nothing
"but God's infinite bleſſing upon the wiſdom and endeavours
"of this ſtate will be able to quench.

"179. And certainly had not God, in his great mercy un-
"to this land, diſcovered and confounded their former de-
"ſigns, we had been the prologue to this tragedy in Ireland,
"and had by this been made the lamentable ſpectacle of miſery
"and confuſion.

"180. And now what hope have we but in God, when,
"as the only means of our ſubſiſtence and power of reforma-
"tion is under him in the parliament?

"181. But what can we the commons, without the con-
"junction of the houſe of lords; and what conjunction can
"we expect there, when the biſhops and recuſant lords are

"ſo

" ſo numerous and prevalent, that they are able to croſs and Charles I.
" interrupt our beſt endeavours for reformation, and by that 1641.
" means give advantage to this malignant party to traduce
" our proceedings?

" 182. They infuſe into the people, that we mean to abo-
" liſh all church-government, and leave every man to his
" own fancy for the ſervice and worſhip of God, abſolving
" him of that obedience which he owes under God unto his
" majeſty; whom we know to be intruſted with the eccleſi-
" aſtical law, as well as with the temporal, to regulate all
" the members of the church of England, by ſuch rule of
" order and diſcipline, as are eſtabliſhed by parliament;
" which is his great council, in all affairs both in church and
" ſtate. (30.)

Rem. (30.) It is true, the commons declare here, that their intention is not to ſet up an independency in matter of religion. But as to what concerns the government of the church they ſpeak obſcurely, becauſe it was not yet time to declare themſelves more openly. They are contented with aſſerting, that the king ought to take the parliament's advice in the affairs of the church, a maxim they intended to make great uſe of.

" 183. We confeſs our intention is, and our endeavours
" have been, to reduce within bounds that exorbitant power
" which the prelates have aſſumed unto themſelves, ſo con-
" trary both to the word of God, and to the laws of the
" land; to which end we paſſed the bill for the removing
" them from their temporal power and employments; that ſo
" the better they might with meekneſs apply themſelves to
" the diſcharge of their functions; which bill themſelves op-
" poſe, and were the principal inſtruments of croſſing it.

" 184. And we do here declare, that it is far from our
" purpoſe or deſire, to let looſe the golden reins of diſcipline
" and government in the church, to leave private perſons or
" particular congregations, to take up what form of divine
" ſervice they pleaſe; for we hold it requiſite, that there
" ſhould be throughout the whole realm a conformity to that
" order which the laws enjoin according to the word of
" God. (31.) And we deſire to unburthen the conſciences
" of men of needleſs and ſuperſtitious ceremonies, ſuppreſs
" innovations, and take away the monuments of idolatry.

Rem. (31.) Great uſe was afterwards made of this reſtriction, " according to the word of God," to introduce greater alterations than thoſe mentioned in this article.

" 185. And

Charles I. 1641.

" 185. And the better to effect the intended reformation, " we deſire there may be a general ſynod of the moſt grave, " pious, learned, and judicious divines of this iſland; aſſiſted " with ſome from foreign parts, profeſſing the ſame religion, " with us; who may conſider of all things neceſſary for the " peace and good government of the church, and repreſent the " reſults of their conſultations unto the parliament, to be there " allowed of and confirmed, and receive the ſtamp of autho- " rity, thereby to find paſſage and obedience throughout the " kingdom. (32.)

Rem. (32.) The commons diſcover here more clearly their intentions, in that, 1. It does not appear that they would admit biſhops into this ſynod. 2. In that they would have it to conſiſt of divines of the iſland, and conſequently of Scots, who were all preſbyterians, and of ſome foreign miniſters who were ſo too.

" 186. They have maliciouſly charged us, that we intend " to deſtroy and diſcourage learning; whereas it is our chief- " eſt care and deſire to advance it; and to provide a com- " petent maintenance for conſcionable and preaching mini- " ſters throughout the kingdom, which will be a great en- " couragement to ſcholars, and a certain means whereby the " want, meanneſs, and ignorance, to which a great part of " the clergy is now ſubject, will be prevented.

" 187. And we intend likewiſe to reform and purge the " fountains of learning the two univerſities, that the ſtreams " flowing from thence may be clear and pure, and an honour " and comfort to the whole land. (33.)

Rem. (33.) It is certain, at the time this remonſtrance was publiſhed, the reſolution of aboliſhing the eccleſiaſtical hierarchy was already taken, though it was not yet openly declared. Accordingly, the deſign to purge the two univerſities was executed, by turning out the heads and profeſſors of the church of England, and putting in preſbyterians.

" 188. They have ſtrained to blaſt our proceedings in par- " liament, by wreſting the interpretations of our orders from " their genuine intention.

" 189. They tell the people, that our meddling with the " power of epiſcopacy, hath cauſed ſectaries and conventi- " cles, when idolatry and popiſh ceremonies introduced into " the church by the command of the biſhops, have not only " debared the people from thence, but expelled them from " the kingdom.

" 190. Thus with Eliab, we are called by this malignant " party the troublers of the ſtate, and ſtill while we endea- " vour

" vour to reform their abuſes, they make us the authors of Charles I.
" thoſe miſchiefs we ſtudy to prevent. 1641.

" 191. For the perfecting of the work begun, and remov-
" ing all future impediments, we conceive theſe courſes will
" be very effectual, ſeeing the religion of the papiſts hath
" ſuch principles as do certainly tend to the deſtruction and
" extirpation of all proteſtants, when they ſhall have oppor-
" tunity to effect it.

" 192. It is neceſſary in the firſt place to keep them in ſuch
" condition, as that they may not be able to do us any hurt,
" and for avoiding of ſuch connivance and favour as hath
" hitherto been ſhewed unto them.

" 193. That his majeſty be pleaſed to grant a ſtanding
" commiſſion to ſome choice men named in parliament, who
" may take notice of their increaſe, their counſels and pro-
" ceedings, and uſe all due means by execution of the laws,
" to prevent all miſchievous deſigns againſt the peace and
" ſafety of this kingdom.

" 194. That ſome good courſe be taken to diſcover the
" counterfeit and falſe conformity of papiſts to the church,
" by colour whereof, perſons very much diſaffected to the
" true religion, have been admitted into places of greateſt
" truſt and authority in the kingdom.

" 195. For the better preſervation of the laws and liber-
" ties of the kingdom, that all the illegal grievances and ex-
" actions be preſented and puniſhed at the ſeſſions and aſſizes.

" 196. And that judges and juſtices be very careful to give
" this in charge to the grand juries, and both the ſheriffs and
" juſtices to be ſworn to the due execution of the petition of
" right, and other laws.

" 197. That his majeſty be humbly petitioned by both
" houſes, to employ ſuch counſellors, ambaſſadors, and other
" miniſters in managing his buſineſs at home and abroad, as
" the parliament may have cauſe to confide in, without which
" we cannot give his majeſty ſuch ſupplies for ſupport of his
" own eſtate, nor ſuch aſſiſtance to the proteſtant party be-
" yond the ſea, as is deſired.

" 198. It may often fall out, that the commons may have
" juſt cauſe to take exceptions at ſome men for being coun-
" ſellors, and yet not charge thoſe men with crimes, for there
" be grounds of diffidence which lie not in proof.

" 199. There are others, which though they may be proved,
" yet are not legally criminal.

" 200. To be a known favourer of papiſts, or to have been
" very forward in defending and countenancing ſome great

" offenders

Charles I. 1641.

" offenders queſtioned in parliament; or to ſpeak contemptuouſly of either houſes of parliament, or parliamentary proceedings: (34)

Rem. (34.) It is not unlikely the commons meant here the lord Digby, ſon to the earl of Briſtol.

" 201. Or ſuch as are factors or agents for any foreign prince of another religion; ſuch as are juſtly ſuſpected to get counſellors places, or any other of truſt, concerning public employment for money; for all theſe and divers others, we may have great reaſon to be earneſt with his majeſty, not to put his great affairs into ſuch hands, though we may be unwilling to proceed againſt them in any legal way of charge or impeachment.

" 202. That all counſellors of ſtate may be ſworn to obſerve thoſe laws which concern the ſubject in his liberty, that they may likewiſe take an oath not to receive, or give reward or penſion from any foreign prince, but ſuch as they ſhall within ſome reaſonable time diſcover to the lords of his majeſty's council.

" 203. And although they ſhould wickedly forſwear themſelves, yet it may herein do good to make them known to be falſe and perjured to thoſe who employed them, and thereby bring them into as little credit with them as with us.

" 204. That his majeſty may have cauſe to be in love with good counſel and good men, by ſhewing him, in an humble and dutiful manner, how full of advantage it would be to himſelf, to ſee his own eſtate ſettled in a plentiful condition to ſupport his honour; to ſee his people united in ways of duty to him, and endeavours of the public good; to ſee happineſs, wealth, peace and ſafety derived to his own kingdom, and procured to his allies by the influence of his own power and government."

It is eaſy to perceive, after reading this remonſtrance or declaration, that it was a real manifeſto againſt the king, under the name of the counſellors, miniſters, and malignants. And therefore, before we proceed, it is reaſonable to ſhow the reader the king's anſwer to the petition, which accompanied the remonſtrance, and then to the remonſtrance itſelf.

" His

" His majeſty's anſwer to the petition, which accompanied " the declaration preſented to him at Hampton-Court, " December 1, 1641.

" WE having received from you, ſoon after our return " out of Scotland, a long petition, conſiſting of many " deſires of great moment, together with a declaration of a " very unuſual nature annexed thereunto, we had taken ſome " time to conſider of it, as befitted us in a matter of that " conſequence, being confident that your own reaſon and " regard to us, as well as our expreſs intimation, by our " controller, to that purpoſe, would have reſtrained you " from the publiſhing of it, till ſuch time as you ſhould have " received our anſwer to it; but much againſt our expecta- " tion, finding the contrary, that the ſaid declaration is al- " ready abroad in print, by directions from your houſe, as " appears by the printed copy, we muſt let you know, that " we are very ſenſible of the diſreſpect. Rushworth, iv. p 452. Nalson, t. ii. 701.

" Notwithſtanding it is our intention, that no failing on " your part ſhall make us fail in ours, of giving all due ſatiſ- " faction to the deſires of our people in a parliamentary way; " and therefore we ſend you this anſwer to your petition, " reſerving ourſelf in point of the declaration, which we " think unparliamentary, and ſhall take a courſe to do that " which we ſhall think fit in prudence and honour.

" To the petition we ſay, That although there are divers " things in the preamble of it, which we are ſo far from ad- " mitting, that we profeſs we cannot at all underſtand them, " as of a " wicked and malignant party prevalent in the " government; of ſome of that party admitted to our privy- " council, and to other employments of truſt, and neareſt " to us and our children; of endeavours to ſow among the " people falſe ſcandals and imputations, to blemiſh and diſ- " grace the proceedings of the parliament:" All, or any of " which, did we know of, we ſhould be as ready to remedy " and puniſh, as you to complain of; ſo that the prayers of " your petition are grounded upon ſuch premiſes, as we muſt " in no wiſe admit; yet notwithſtanding, we are pleaſed to " give this anſwer to you. (1.)

REM. (1.) This ſo general anſwer of the king was not capable of combating the particular facts, whereby the commons pretended to prove, in the remonſtrance, that for ſeveral years paſt, the court or malignant party had endeavoured to eſtabliſh an arbitrary government.

Charles I. 1641.

" To the firſt, concerning religion, conſiſting of ſeveral " branches, we ſay, that for preſerving the peace and ſafety " of this kingdom from the deſigns of the popiſh party, we " have, and will ſtill concur with all the juſt deſires of our " people in a parliamentary way: (2.) That for the depriv- " ing of the biſhops of their votes in parliament, we would " have you conſider, that their right is grounded upon the " fundamental law of the kingdom, and conſtitution of par- " liament: This we would have you conſider; but ſince " you deſire our concurrence herein in a parliamentary way, " we will give no further anſwer at this time."

REM. (2.) It is true, the king had never rejected the petitions preſented to him on this occaſion by the parliament, but had always granted whatever was deſired. But then it is no leſs true, that his promiſes in this reſpect had never been executed. Wherefore the parliament did not complain of want of concurrence, but of want of performance. So the king's anſwer as to his concurrence was not properly to the purpoſe.

" As for the abridging of the inordinate power of the " clergy, we conceive that the taking away of the high-com- " miſſion-court hath well moderated that; but if there con- " tinue any uſurpations or exceſſes in their juriſdictions, we " therein neither have, nor will, protect them. (3.)"

REM. (3.) It would have been very difficult to agree with the king upon what ſhould be conſidered as uſurpations or exceſſes in the juriſdiction of the clergy. So the king properly bound himſelf to nothing by this general promiſe.

" Unto that clauſe which concerneth corruptions (as you " ſtile them) in religion, in church-government, and in diſ- " cipline, and the removing of ſuch neceſſary ceremonies as " weak conſciences might check; that for any illegal inno- " vations which may have crept in, we ſhall willingly con- " cur in the removal of them: That if our parliament ſhall " adviſe us to call a national ſynod, which may duly examine " ſuch ceremonies as give juſt cauſe of offence to any, we " ſhall take into conſideration, and apply ourſelf to give due " ſatisfaction therein; (4.) but we are very ſorry to hear in " ſuch general terms, corruption in religion objected, ſince " we are perſuaded in our conſcience, that no church can " be found upon the earth that profeſſeth the true religion " with more purity of doctrine than the church of England " doth, nor where the government and diſcipline are jointly " more beautiful, and free from ſuperſtition, than as they " are here eſtabliſhed by law; which by the grace of God " we will with conſtancy maintain (while we live) in their

purity

" purity and glory, not only againſt all invaſions of popery, Charles I.
" but alſo from the irreverence of thoſe many ſchiſmatics and 1641.
" ſeparatiſts, wherewith of late this kingdom and this city
" abounds, to the great diſhonour and hazard both of church
" and ſtate, for the ſuppreſſion of whom we require your
" timely aid and active aſſiſtance."

REM. (4.) Another general anſwer which ſignifies nothing.

" To the ſecond prayer of the petition, concerning the
" removal and choice of counſellors, we know not any of
" our council to whom the character ſet forth in the petition
" can belong: That by thoſe whom we had expoſed to trial,
" we have already given you ſufficient teſtimony, that there
" is no man ſo near unto us in place or affection, whom we
" will not leave to the juſtice of the law, if you ſhall
" bring a particular charge, and ſufficient proofs againſt him;
" and of this we do again aſſure you, but in the mean time
" we wiſh you to forbear ſuch general aſperſions, as may
" reflect upon all our council, ſince you name none in par-
" ticular.

" That for the choice of our counſellors and miniſters of
" ſtate, it were to debar us that natural liberty all freemen
" have; and as it is the undoubted right of the crown of
" England, to call ſuch perſons to our ſecret councils, to
" public employment, and our particular ſervice, as we ſhall
" think fit; ſo we are, and ever ſhall be very careful, to make
" election of ſuch perſons in thoſe places of truſt, as ſhall
" have given good teſtimonies of their abilities and in-
" tegrity, and againſt whom there can be no juſt cauſe of
" exception, whereon reaſonably to ground a diffidence; and
" to choices of this nature, we aſſure you that the mediation
" of the neareſt unto us hath always concurred. (5.)

REM. (5.) He means the queen.

" To the third prayer of your petition concerning Ireland,
" we underſtand your deſire of not alienating the forfeited
" lands thereof, to proceed from much care and love, and
" likewiſe that it may be a reſolution very fit for us to take;
" but whether it be ſeaſonable to declare reſolutions of that
" nature, before the events of a war be ſeen, that we much
" doubt of. However, we cannot but thank you for this
" care, and your chearful engagement for the ſuppreſſion of
" that rebellion; upon the ſpeedy effecting whereof, the
" glory of God in the proteſtant profeſſion, the ſafety of the
" Britiſh arms, our honour, and that of the nation ſo much
" depends; all the intereſts of this kingdom being ſo involved

Charles I. 1641. "in that buſineſs, we cannot but quicken your affections "therein, and ſhall deſire you to frame your counſels to give "ſuch expedition to the work, as the nature thereof, and "the preſſures in point of time require; and whereof you "are put in mind by the daily inſolence and increaſe of thoſe "rebels.

"For concluſion; you promiſe to apply yourſelves to ſuch "courſes as may ſupport our royal eſtate with honour and "plenty at home, and with power and reputation abroad, is "that which we have ever promiſed ourſelf, both from your "loyalties and affections, and alſo for what we have already "done, and ſhall daily go adding unto, for the comfort and "happineſs of our people."

The anſwer to the remonſtrance did not appear till ſome time after; for as far as I can conjecture, it was not ſent to the commons before January 1641-2. I ſhall however inſert it in this place, as well not to divide this matter, as that the anſwer may be read before the remonſtrance is forgot.

"The king's declaration in anſwer to the remonſtrance of "the ſtate of the kingdom.

"ALthough we do not believe that our houſe of com-"mons intended, by their remonſtrance of the ſtate "of the kingdom, to put us to any apology, either for our "paſt or preſent actions; notwithſtanding ſince they have "thought it ſo very neceſſary (upon their obſervation of the "preſent diſtempers) to publiſh the ſame, for the ſatisfaction "of all our loving ſubjects, we have thought it very ſuitable "to the duty of our place (with which God hath truſted us) "to do our part to ſo good a work, in which we ſhall not "think it below our kingly dignity to deſcend to any par-"ticular, which may compoſe and ſettle the affections of "our meaneſt ſubjects, ſince we are ſo conſcious to ourſelf "of ſuch upright intentions and endeavours, and only of ſuch "(for which we give God thanks) for the peace and hap-"pineſs of our kingdom, in which the proſperity of our "ſubjects muſt be included, that we wiſh from our heart, "that even our moſt ſecret thoughts were publiſhed to their "view and examination: Though we muſt confeſs, we can-"not but be very ſorry in this conjuncture of time, (when "the unhappineſs of this kingdom is ſo generally underſtood "abroad) there ſhould be ſuch a neceſſity of publiſhing ſo

" many particulars, from which we pray, no inconveniences Charles I.
" may enſue, that were not intended. 1641.

" We ſhall in few words paſs over that part of the nar-
" rative, wherein the misfortunes of this kingdom, from our
" firſt entering to the crown to the beginning of this parli-
" ament, are remembered in ſo ſenſible expreſſions. (1.) And
" that other which acknowledgeth the many good laws
" paſſed by our grace and favour this parliament, for the
" ſecurity of our people; of which we ſhall only ſay thus
" much, that as we have not refuſed to paſs any bill pre-
" ſented to us by our parliament, for redreſs of thoſe griev-
" ances mentioned in the remonſtrance; ſo we have not had
" a greater motive for the paſſing thoſe laws than our own
" reſolution (grounded upon our obſervation, and underſtand-
" ing the ſtate of our kingdom) to have freed our ſubjects,
" for the future, from thoſe preſſures which were grievous to
" them if thoſe laws had not been propounded, (2.) which
" therefore we ſhall as inviolably maintain, as we look to
" have our own rights preſerved, not doubting but that all
" our loving ſubjects will look on thoſe remedies, with that
" full gratitude and affection, that even the memory of what
" they have formerly undergone, by the accidents and ne-
" ceſſities of thoſe times, will not be unpleaſant to them:
" And poſſibly in a pious ſenſe of God's bleſſing upon this
" nation (how little ſhare ſoever we ſhall have of the ac-
" knowledgment) they will confeſs they have enjoyed a great
" meaſure of happineſs (even theſe laſt ſixteen years) both
" in peace and plenty, not only comparatively in reſpect of
" their neighbours, but even of thoſe times which were
" juſtly accounted fortunate. The fears and jealouſies which
" may make ſome impreſſion in the minds of our people,
" we will ſuppoſe may be of two ſorts; either for religion,
" or liberty and their civil intereſt. The fears for religion
" may haply be, not only as ours here eſtabliſhed may be in-
" vaded by the Romiſh party, but as it is accompanied with
" ſome ceremonies, at which ſome tender conſciences really
" are, or pretend to be ſcandalized; for of any other which
" have been uſed, without any legal warrant or injunction,
" and already are, or ſpeedily may be, aboliſhed, we ſhall
" not ſpeak."

REMARK (1.) The king could not more ingenuouſly own what is ſaid in the remonſtrance, concerning the firſt fifteen years of his reign, than by entirely paſſing it over without anſwer.

Charles I. 1641.

REM. (2.) This is also a confession that grievances were justly complained of. The king says, his resolution was to redress them, and it was not possible to convict him of the contrary. But after all, he was believed but by few persons.

"Concerning religion, as there may be any suspicion of "favour or inclination to the papists, we are willing to de- "clare to all the world, that as we have been from our "childhood brought up in, and practised the religion now "established in this kingdom; so it is well known, we have "(not contented simply with the principles of our education) "given a good proportion of our time and pains, to the ex- "amination of the grounds of this religion, as it is different "from that of Rome, and are from our soul so fully satisfied "and assured that it is the most pure and agreeable to "the sacred word of God, of any religion now practised "in the christian world; that as we believe we can main- "tain the same by unanswerable reasons, so we hope we "should readily seal to it by the effusion of our blood, if "it pleased God to call us to that sacrifice. And therefore "nothing can be so acceptable unto us, as any proposition "which may contribute to the advancement of it here, or "the propagation of it abroad, being the only means to "draw down a blessing from God upon ourselves and this "nation. And we have been extremely unfortunate, if this "profession of ours be wanting to our people; our constant "practice in our own person, having always been (without "ostentation) as much to the evidence of our care and duty "herein, as we could possibly tell how to express (3.)

REM. (3.) The remonstrance did not accuse the king of being a papist in his heart, but of having countenanced the "catholics, by not executing the laws against them. He clears himself here from being inclined to the Romish religion, and leaves the consequence to be drawn, that since he is persuaded of the truth of the protestant religion, it is not possible he should encourage the Roman. But his conduct had shown that this consequence did not necessarily follow, since it was notorious, he had countenanced the papists, from the beginning of his reign, out of complaisance to the queen, or from some political views.

"For differences among ourselves, for matters indifferent "in their own nature concerning religion, we shall, in ten- "derness to any number of our loving subjects, very willingly "comply with the advice of our parliament, that some law "may be made for the exemption of tender consciences from "punishment, or persecution for such ceremonies, and in such

"cases

" caſes, which by the judgment of moſt men, are held to be Charles I.
" matters indifferent, and of ſome to be abſolutely unlawful. 1641.
" Provided that this caſe be attempted and purſued with that
" modeſty, temper and ſubmiſſion, that in the mean time
" the peace and quiet of the kingdom be not diſturbed, the
" decency and comelineſs of God's ſervice diſcountenanced,
" nor the pious, ſober, and devout actions of thoſe reverend
" perſons who were the firſt labourers in the bleſſed refor-
" mation, or of that time, libel'd and defamed, (4.)
" for we cannot, without grief of heart, and without ſome
" tax upon ourſelf, and our miniſters, for the not execution
" of our laws, look upon the bold licence of ſome men, in
" printing of pamphlets, in preaching and printing of ſermons,
" ſo full of bitterneſs and malice againſt the preſent govern-
" ment, againſt the laws eſtabliſhed, ſo full of ſedition againſt
" ourſelf, and the peace of the kingdom, that we are many
" times amazed to conſider by what eyes theſe things are
" ſeen, and by what ears they are heard. And therefore we
" have good cauſe to command, as we have done, and here-
" by do, all our judges and miniſters of juſtice, our attorney
" and ſollicitor-general, and the reſt of our learned council,
" to proceed with all ſpeed againſt ſuch, and their abettors,
" who either by writing or words, have ſo boldly and mali-
" ciouſly violated the laws, diſturbed the peace of the com-
" mon-wealth, and as much as in them lies, ſhaken the very
" foundation upon which that peace and happineſs is found-
" ed and conſtituted. And we doubt not but all our loving
" ſubjects will be very ſenſible, that this buſie, virulent de-
" meanour, is a fit prologue to nothing but confuſion; and
" if not very ſeaſonably puniſhed, and prevented, will not
" only be a blemiſh to that wholeſome accommodation we
" intend, but an unſpeakable ſcandal and imputation, even
" upon the profeſſion and religion of this our kingdom of
" England.

REM. (4.) The king was not in the wrong to ſupport the eſtabliſhed worſhip, and to regard as an indulgence whatever ſhould be granted to tender conſciences. But after all, this indulgence was reduced to a very ſmall matter, if we conſider all the limitations contained in this article.

" Concerning the civil liberties and intereſts of our ſubjects,
" we ſhall need to ſay the leſs, having erected ſo many laſt-
" ing monuments of our princely and fatherly care of our
" people, in thoſe many excellent laws paſſed by us this par-
" liament; which in truth (with very much content to our-

Charles I. 1641. "ſelf) we conceive to be ſo large and ample, that very many ſober men have very little left to wiſh for.

"We underſtood well the right, and pretences of right, "we departed from, in the conſenting to the bills of the triennial parliament, for the continuance of this preſent "parliament, and in the preamble to the bill of tunnage and "poundage. The matter of which having begot ſo many "diſturbances in late parliaments, we were willing to remove, "that no intereſt of ours might hereafter break that correſpondence, abundantly contenting ourſelf with an aſſurance "(which we ſtill have) that we ſhould be repaired and ſupplied by a juſt proportion of confidence, bounty, and obedience of our people. In the bills for the taking away the "high-commiſſion and ſtar-chamber courts, we believe we "had given that real ſatisfaction, that all jealouſies and apprehenſions of arbitrary preſſures under the civil or eccleſiaſtical ſtate, would eaſily have been abandoned, eſpecially when they ſaw all poſſible doubts ſecured by the viſitation of a triennial parliament.

"Theſe and others of no mean conſideration, we had rather ſhould be valued in the hearts and affections of our "people, than in any mention of our own; not doubting, "but as we have taken all theſe occaſions to render their "condition moſt comfortable and happy, ſo they will always, "in a grateful and dutiful relation, be ready with equal tenderneſs and alacrity to advance our rights and preſerve our "honour, upon which their own ſecurity and ſubſiſtance ſo "much depends. And we will be ſo careful, that no particular ſhall be preſented unto us, for the completing and "eſtabliſhing that ſecurity, to which we will not with the "ſame readineſs contribute our beſt aſſiſtance.

"If theſe reſolutions be the effects of our preſent counſels "(and we take God to witneſs, that they are ſuch, and that "all our loving ſubjects may confidently expect the benefit "of them from us) certainly no ill deſign upon the public "can accompany ſuch reſolution, neither will there be greater "cauſe of ſuſpicion of any perſons preferred by us to degrees "of honour and places of truſt and employment ſince this "parliament. And we muſt confeſs, that amongſt our misfortunes we reckon it not the leaſt, that having not retained in our ſervice, nor protected any one perſon, againſt "whom our parliament hath excepted during the whole ſitting of it, and having in all that time ſcarce vouchſafed to "any man an inſtance of our grace and favour but to ſuch "who were under ſome eminent character of eſtimation

"among

" among our people, there ſhould ſo ſoon be any miſunder- Charles I.
" ſtanding or jealouſy of their fidelity and uprightneſs, eſ- 1641.
" pecially in a time when we take all occaſions to declare,
" that we conceive ourſelf only capable of being ſerved by
" honeſt men, and in honeſt ways. However, if in truth
" we have been miſtaken in ſuch our election, the particular
" ſhall be no ſooner diſcovered to us, either by our own ob-
" ſervation, or other certain information, than we will leave
" them to public juſtice, under the marks of our diſplea-
" ſure.

" If notwithſtanding this, any malignant party ſhall take
" heart, and be willing to ſacrifice the peace and happineſs
" of their country to their own ſiniſter ends and ambitions,
" under what pretence of religion and conſcience ſoever; if
" they ſhall endeavour to leſſen our reputation and intereſt,
" and to weaken our lawful power and authority with our
" good ſubjects; if they ſhall go about by diſcountenancing
" the preſent laws to looſen the bands of government, that
" all diſorder and confuſion may break in upon us, we
" doubt not but God in his good time will diſcover them un-
" to us; and the wiſdom and courage of our high court of
" parliament join with us in their ſuppreſſion and puniſh-
" ment.

" Having now ſaid all that we can to expreſs the clear-
" neſs and uprightneſs of our intentions to our people, and
" done all we can to manifeſt thoſe intentions, we cannot
" but confidently believe all our good ſubjects will acknow-
" ledge our part to be fully performed, both in deeds paſt,
" and preſent reſolutions, to do whatſoever with juſtice may
" be required of us, and that their quiet and proſperity de-
" pends now wholly upon themſelves, and is in their own
" power, by yielding all obedience and due reverence to the
" law, which is the inheritance of every ſubject, and the
" only ſecurity he can have for his life, liberty, or eſtate,
" and the which being neglected or diſeſteemed (under what
" ſpecious ſhows ſoever) a very great meaſure of infelicity,
" if not an irreparable confuſion, muſt without doubt fall
" upon them. And we doubt not, it will be the moſt ac-
" ceptable declaration a king can make to his ſubjects, that
" for our part we are reſolved not only duly to obſerve the laws
" ourſelf, but to maintain them againſt what oppoſition ſo-
" ever, though with the hazard of our being (5).

Rem. (5). Unhappily for the king, theſe general promiſes, to which he could give what ſenſe he thought proper, produced not the effect upon the commons he expected; or rather

Charles I. 1641. ther they produced the quite contrary, and increaſed their diſtruſt. This the reader will be convinced of, when he comes to ſee what had paſſed, probably, before this declaration was publiſhed:

"And our hope is, that not only the loyalty and good "affections of all our loving ſubjects will concur with us "in the conſtant preſerving a good underſtanding between us "and our people, but at this time, their own and our intereſt, "and compaſſion of the lamentable condition of our poor pro- "teſtant ſubjects in Ireland, will invite them to a fair intelli- "gence and unity amongſt themſelves, that ſo we may with "one heart intend the relieving and recovering that unhappy "kingdom, where thoſe barbarous rebels practiſe ſuch in- "human and unheard of outrages upon our miſerable people, "that no Chriſtian ear can hear without horror, nor ſtory "parallel. And as we look upon this as the greateſt af- "fliction that hath pleaſed God to lay upon us, ſo our unhap- "pineſs is increaſed, in that, by the diſtempers at home, ſo "early remedies have not been applied to thoſe growing "evils, as the expectation and neceſſity there requires, though "for our part, as we did upon the firſt notice acquaint our "parliament of Scotland (where we then were) with that "rebellion, requiring their aid and aſſiſtance, and gave like "ſpeedy intimation and recommendation to our parliament "here; ſo, ſince our return hither, we have been forward "to all things which have been propoſed to us towards that "work, and have lately ourſelf offered (by a meſſage to our "houſe of peers, and communicated to our houſe of com- "mons) to take upon us the care to raiſe ſpeedily ten thou- "ſand Engliſh volunteers for that ſervice, if the houſe of "commons ſhall declare that they will pay them (6); which "particulars we are (in a manner) neceſſitated to publiſh, "ſince we are informed, that the malice of ſome perſons "have whiſpered it abroad, that no ſpeedier advancing of "the buſineſs hath proceeded from ſome want of alacrity in "us to this great work; whereas we acknowledge it a high "crime againſt Almighty God, and inexcuſable to our good "ſubjects of our three kingdoms, if we did not to the utmoſt "employ all our powers and faculties to the ſpeedieſt and "moſt effectual aſſiſtance and protection of that diſtreſſed "people [illegible]

Rem. (6). It appears by this paſſage, that this anſwer was not publiſhed till after the king's offer of levying ten thouſand men for Ireland, that is to ſay, in January 1641-2.

"And

"And we shall now conjure all our good subjects (of Charles I.
"what degree soever) by all the bonds of love, duty, or 1641.
"obedience, that are precious to good men, to join with
"us for the recovery of the peace of that kingdom, and the
"preservation of the peace of this; to remove all their doubts
"and fears, which may interrupt their affection to us, and
"all their jealousies and apprehensions, which may lessen
"their charity to each other; and then (if the sins of this
"nation have not prepared an inevitable judgment for us all)
"God will yet make us a great and glorious king, over a
"free and happy people."

The bare reading of this declaration sufficiently shows the king had no intention to give a particular answer to the remonstrance of the state of the kingdom, which contained so many different articles untouched by the king's declaration. And perhaps he would never have given any answer, if his enemies had not triumphed on his silence. He thought proper therefore to publish this declaration, that he might say he had answered the remonstrance, and not with design to answer it indeed; and besides, he published it not till long after the remonstrance was received. Mean while, the commons publishing this paper against his will, made a deep impression on his mind, and convinced him they had some grand design since they had so little regard for him.

Effect of the remonstrance.

It was not very strange that the king should be highly displeased with a remonstrance, which was properly but a series of reproaches for his past conduct, and against his government; with a remonstrance, not directed to himself, but to the public, the authors whereof only meant to incense the people against him, and which was made at a time when it seemed to be most unnecessary. Accordingly, the beginning of the breach between the king and the parliament is properly to be dated from this time, though on both sides some measures were yet kept.

Rushworth, tom. iv. p. 453.

Next day, the 2d of December, the king coming to the parliament, the speaker presented to him the bill for tunnage and poundage for some months only, wherein the king expressly owned he had till then levied these duties without a legal power. He made, on this occasion, a fine speech, full of his majesty's praises for his goodness and affection to his people; after which the king spake in the following manner to both houses.

"My

" My lords, and gentlemen,

The king's ſpeech to both houſes. Decemb. 2. Ruſhworth, tom. iv. p. 454. Nalſon, tom. ii. p. 708.

" I Think it fit, after ſo long abſence, at this firſt occaſion " to ſpeak a few words unto you; but it is in no ways " in anſwer to Mr. Speaker's learned ſpeech.

" Albeit I have ſtaid longer than I expected to have done " when I went away, yet in this I have kept my promiſe " with you, that I have made all the haſte back again, that " the ſettling of my Scotch affairs could any ways permit: in " which I have had ſo good ſucceſs, that I will confidently " affirm to you that I have left that nation a moſt peace- " able and contented people: ſo that although I have a " little miſreckoned in time, yet I was not deceived in my " end.

" But if I have deceived your expectation a little in the " time of my return, I am aſſured that my expectation is as " much and more deceived in the condition wherein I hoped " to have found ſome buſineſſes at my return: for that ſince " before my going I ſettled the liberties of my ſubjects, and " gave the laws a free and orderly courſe, I expected to " have found my people reaping the fruits of theſe benefits, " by living in quietneſs and ſatisfaction of mind: but inſtead " of this, I find them diſturbed with jealouſies, frights, and " alarms of dangerous deſigns and plots; in conſequence of " which, guards have been ſet to defend both houſes. I ſay " not this as in doubt that my ſubjects affections are any " way leſſened unto me in this time of my abſence, for I " cannot but remember, to my great comfort, the joyful " reception I had now at my entry into London; but rather, " as I hope, that my preſence will eaſily diſperſe theſe fears: " for I bring as perfect and true affections to my people as " ever prince did, or as good ſubjects can poſſibly deſire. And " I am ſo far from repenting me of any act I have done in " this ſeſſion for the good of my people, that I proteſt, if it " were to do again, I would do it; and will yet grant what " elſe can be juſtly deſired, for ſatisfaction in point of liber- " ties, or in maintenance of the true religion that is here " eſtabliſhed.

" Now I have but one particular to recommend unto you " at this time, it is Ireland; for which, though I doubt not " your care, yet methinks the preparations for it go but ſlow- " ly on. The occaſion is the fitter for me now to mention, " becauſe of the arrival of two lords from Scotland, who come " inſtructed from my council there (who now by act of " parliament

" parliament have full power for that purpoſe) to anſwer Charles I.
" that demand which it pleaſed both houſes to make me by 1641.
" way of petition, that met me at Berwick, and which the
" duke of Richmond ſent back by my command to my
" Scotiſh council: therefore my deſire is, that both houſes
" would appoint a ſelect committee to end this buſineſs with
" theſe noblemen.

" I muſt conclude in telling you, that I ſeek my people's
" happineſs: for their flouriſhing is my greateſt glory, and
" their affections my greateſt ſtrength."

It was not without great reaſon that the king reſolved to teſtify an extreme zeal for the public good, ſince the remonſtrance of the commons plainly taught him that endeavours were uſing to make him forfeit the love of the people. It was therefore neceſſary to countermine the deſigns of his enemies, by repeated aſſurances of a great affection for his people, and by intimating he had entirely changed his principles and maxims. But herein he had one great diſadvantage, in that for his future behaviour he could give no other ſecurity than his word, which his enemies pretended to demonſtrate was not to be relied on. They chiefly urged, that though the king had ſolemnly given his aſſent to the petition of right, he had never executed what he promiſed. The conſequence they drew from this non-performance was ſo much the ſtronger, as the king had nothing to oppoſe to it but bare promiſes, which were of no more force than thoſe he had made with regard to that petition.

A committee to treat about the Scotch ſuccours.

As the king had earneſtly recommended to the parliament the conſideration of the affairs of Ireland, both houſes immediately appointed a committee to treat with the Scots about ſuccours *. The commons in particular paſſionately deſired to negotiate with Scotland. In their preſent belief, that the king was willing to engage them to ſend an army into Ireland, in order to be more at eaſe in England, they could not find a more effectual way to break his meaſures, than to employ Scotiſh troops in the relief of that kingdom. As they had already taken the reſolution, though ſecretly of diveſting the king of great part of his power, they eaſily foreſaw that a breach would infallibly follow, and then they ſhould want

Ruſhworth, tom. iv. p. 455. Nalſon, tom. ii. p. 711, 729, 732.

* That is, with ſome Scotiſh commiſſioners, who were come from Scotland to treat with the parliament about ſuccours for Ireland. The committee appointed by the parliament were, the earls of Bedford and Leiceſter, the lord Howard of Eſcryck, and Nathaniel Fiennes, ſir William Armyne, ſir Philip Stapleton, and John Hampden. Nalſon, tom. ii. p. 711, 716.

the

Charles I. 1641. the troops the king had a mind to engage them to send into Ireland.

After the remonstrance, every thing manifestly tended to a rupture between the king and the parliament, and the commons lost no opportunities to infuse suspicions into the people against the king. To this end, Daniel O Neal, who was concerned in the plot to seduce the army, was voted guilty of a second attempt, in June or July last, to persuade the chief officers of the army to declare for the king against the parliament. This tended to show that the king had not relinquished his project, to make use of force to awe the parliament.

Great likelihood of a breach.

Vote against O Neal. Nalson, tom. ii. p. 714, 754, etc. Rushworth, tom. iv. p. 455.

On the other hand the rebels of Ireland having, by the lord Costelough, presented to the lords justices of that kingdom, a letter in the nature of a remonstrance, wherein they demanded "the free exercise of their religion, and a repeal "of all laws to the contrary," the commons made a great noise about it. They knew the lord Costelough and the lord Taaff were on their way to England, with propositions to be offered to the king concerning means for procuring the peace of Ireland. So, fearing or pretending to fear the king would grant liberty of conscience to the Irish papists, they desired a conference with the lords: after which it was solemnly declared by both houses, that they would never consent to any toleration of the popish religion in Ireland, or any other his majesty's dominions. It is easy to see how much this tended to breed suspicions of the king.

The Irish demand a toleration. Ibid.

Vote of both houses on that occasion. Rushworth tom. iv. p. 455. Nalson, tom. ii. p. 723, 737, 754.

If it is supposed, as I have insinuated, that the aim of the commons, or at least of the greatest part of the house, was to put it out of the king's power to govern for the future as he had governed before this parliament, and that to prepare the people for this change it was necessary to fill them with fears and suspicions, the motives of all their proceedings, and the king's sad situation will be perfectly understood. His subjects were prejudiced against him, and he had given but too much occasion. Every step taken by the commons tended to encrease this prejudice; and the king, to remove it, could alledge only the sincerity of his intentions, of which many people were not convinced. This gave his enemies an advantage, which they did not fail on all occasions to improve: nay, they descended even to the meanest trifles, to cherish the people's fears; for, upon information that amongst some barrels of soap, sent by a merchant of London to Dorchester, there was found a barrel of gunpowder, the house appointed

Motives of the commons proceedings.

Nalson, tom. ii. p. 719.

appointed a committee[a] to make a strict inquisition, as into a thing of the greatest consequence. Charles I. 1641.

About the same time another affair happened, which gave some advantage against the king. The 8th of December he sent to acquaint both houses, that seven[b] priests having been condemned that week, the French ambassador had desired him to change the sentence of death into that of banishment, upon which he desired to have their advice. Some days after, the commons voted that the seven priests should be executed, and the lords concurring with this vote, both houses petitioned the king to order the execution. The king replied, he would banish the seven priests, if both houses would give their consent. As they did not think proper to answer, the king took occasion from their silence to suspend the execution. Two months after, the king communicated a letter to them, which secretary Nicholas had received from Venice, wherein he was told that the pope threatened to send an army into Ireland, if the priests were executed. Upon this menace, both houses prayed the king once more to execute the seven priests. But he thought not proper to grant their desire: his reason was, the fear of reprisals, and that this rigour might be extremely prejudicial to the English protestants in Ireland, who should fall into the hands of the rebels. This reason was so much the weaker, as it served not only for the present case, but also for all that should offer hereafter, and tended to render the laws of no effect; besides, the Irish having already massacred above forty thousand English protestants without any cause, the fear of reprisals from them seems to have been a weak motive for pardoning these priests. Accordingly it was generally thought to be owing to the sollicitations of the queen. Be this as it will, the priests were not executed; for though afterwards the king left it to both houses to save or put them to death, they did not think fit either to pardon or execute. All this was extremely prejudicial to the king, since, at the very time that he solemnly protested he was resolved to execute the laws, he granted his protection to these seven priests, legally convicted, and had no regard to the instances of both houses.

A message from the king about seven condemned priests. Nalson, tom. ii. p. 719, 732, 736, 740, 741.

At this time, I mean in December 1641, two affairs successively employed the house of commons, namely, the suc-

[a] They sent down an order to the justices of the peace of Dorchester, to make diligent search for a barrel of powder sent thither for a barrel of [illegible] Nalson, tom. ii. p. 719.

[b] Rapin says six, but Nalson makes them to be eight in one place, and in another seven. See Nalson, tom. ii. p. [illegible]

Charles I. 1641. courſ for Ireland, and the accuſation preſented to the lords againſt the biſhops. I ſhall only ſpeak of the firſt at preſent.

Cauſes of the backwardneſs to aſſiſt Ireland. Clarendon, t. i. p. 457.

The king and parliament equally allowed the neceſſity of relieving Ireland, and all the advices from thence were a demonſtration of it. The Iriſh army was at the gates of Dublin, and had cut in pieces a body of troops ſent to Drogheda. So, in all likelihood, the lords-juſtices, with their few troops, could not long reſiſt the rebels. The Scotch commiſſioners that were come to London to treat with the parliament, had offered an aid of five thouſand men, who could eaſily be ſent from Scotland into the north of Ireland, to make a diverſion, and the commons had prevailed with them to treat for ten thouſand. The deſign of the commons was to employ only Scotch troops in the reduction of Ireland, that England might not be unprovided. The king did not refuſe the aſſiſtance of Scotland, but would have England ſend into Ireland the like number of Engliſh forces, on pretence, that there was danger of the Scots ſeizing upon Ireland when the Iriſh ſhould be ſubdued. He had found means to gain the peers, ſo that when the motion was made to the lords, for ſending ten thouſand Scots into Ireland, they conſented to it, provided the ſame number of Engliſh were alſo ſent thither.

Nalſon, t. ii. p. 761.

The Scotch commiſſioners complaining by a memorial, that in a fortnight they had no poſitive anſwer to their offers, the commons preſſed the lords to diſpatch the affair, declaring, if they neglected it, the whole blame would fall upon them. They farther declared, that unleſs the bill for preſſing of ſoldiers paſſed, it was impoſſible for England to raiſe troops for that ſervice. Whereupon the lords debated the three following queſtions, which were all reſolved in the negative.

Votes of the peers concerning Ireland. Nalſon, t. ii. p. 763.

1. Whether this houſe ſhall conſent to ſend ten thouſand Scots into Ireland, before it can be aſcertained that ten thouſand Engliſh will be ſent thither alſo?

2. Whether this houſe ſhall conſent to ſend ten thouſand Scots before the bill for preſſing be paſſed?

3. Whether this houſe ſhall join with the commons, in ſending now ten thouſand Scots into Ireland?

Sharp anſwers of the commons. Ib. p. 771.

The commons replied to theſe votes in a conference, that for the certainty their lordſhips deſire of ſending ten thouſand Engliſh into Ireland, the commons were not uſed to be capitulated with: That their actions are free, as well without conditions as capitulations, and deſire it may be ſo no more: That they had already given ſufficient certainty by a vote communicated to their lordſhips, and ſee no neceſſity of voting it again: That they deſire their lordſhips would vote the ſend-

ing

ing ten thouſand Scots, without any relation to the ten thou- Charles I.
ſand Engliſh, and that ſpeedily, the preſervation of Ireland 1641.
depending upon it: That they have the more reaſon to deſire this, as the Engliſh troops cannot go, unleſs the bill for preſſing paſſes. But this was not capable of making the lords depart from their former reſolutions.

Mean time, the commons, who had already committed to priſon the lords Coſtelough and Taaff, (ſent to the king with propoſitions about procuring the peace of Ireland) cauſed all their papers to be examined, in their diſtruſt of the king, and no doubt, in expectation of finding ſome thing which might do him a prejudice [c]. The commons imprison the two lords ſent from Ireland. Ruſhworth, iv. [413.]

At the ſame time, the king acquainted the lords, that he would engage to raiſe ten thouſand men for Ireland, if the commons would promiſe to pay them [d]. But they were far from accepting this propoſition, knowing the king meant to grant the commiſſions, and would give them to ſuch officers only as ſhould be at his devotion. So the commons choſe rather to hazard the entire loſs of Ireland, than ſend thither ten thouſand Engliſh in ſuch a juncture; and the lords choſe rather to run the riſk of ſeeing all the Engliſh driven out of that kingdom, than of ſeeing the Scots in condition to ſeize it. The king perfectly knew the motive of the commons proceedings, whilſt they were not ignorant, that the lords acted wholly by the king's direction. The king offers to raiſe ten thouſand men. Nalſon, t. ii. p. 757, 762, 768, 769, 771. Clarendon, t. ii. p. 259.

Mean time, the aſſiſtance for Ireland being ſtill retarded by theſe quarrels, the commons appointed a committee to examine, from whence came the obſtacles that occurred in this affair. It was really difficult for thoſe who were not acquainted with the ſecret motives of the king and commons, to know where the blame lay, that Ireland was not relieved, ſince they ſeemed equally deſirous that a ſpeedy aid ſhould be ſent thither. The king's friends ſaid, his majeſty's offer to raiſe ten thouſand men, provided the commons would engage to pay them, was a clear evidence, that the obſtructions did not proceed from him. His enemies, on the contrary, affirmed, that the refuſal of the lords, or rather of the king, who directed them, to accept of the aid of ten thouſand Scots, on A committee to examine the cauſe of the delay of the aid. Ruſhworth, iv. p. 466. Nalſon, t. ii. p. 761.

[c] The lord Dillon of Coſtelough was pitched upon by the Iriſh lords to carry over their deſires to his majeſty concerning the means of quenching the flames of the rebellion. Accordingly he embarked, in company with the lord Taaff, and at Ware their papers were ſeized by directions from the parliament, and their perſons committed; but afterwards they found means to eſcape, and waited upon his majeſty. Ruſhworth, tom. iv. [p. 413.]

[d] Nalſon ſays, That this propoſal was firſt made by the Scottiſh commiſſioners. Tom. ii. p. 756.

Charles I. 1641.

a frivolous pretence, plainly ſhowed, that the difficulties did not come from the commons, ſince they were very ready to promiſe to pay theſe auxiliaries. For my part, I am of opinion, that both king and commons thought leſs ſeriouſly of aſſiſting Ireland, than of drawing from the Iriſh rebellion private advantages, with regard to their differences. The king wiſhed the parliament would ſend a ſtrong army into Ireland, that they might find it more difficult to raiſe forces in caſe of a breach with him, of which there was but too much appearance. The commons, on their part, had prevailed with the Scots to offer ten thouſand men, in the belief, that if they were accepted, they ſhould be freed from the trouble and danger of ſending an Engliſh army into Ireland, and if they were refuſed, the delay of relief would be imputed to the king.

Remarks on this ſubject. Nalſon, t. ii. p. 733.

January 1. 1641-2. Proclamation declaring the Iriſh to be rebels and traitors. Nalſon, t. ii. p. 809. Ruſhworth iv. p. 466.

However that be, the houſe, upon the report of the committee, found that one great obſtruction of relief to Ireland was, that the Iriſh had not been declared rebels by proclamation. Wherefore, on the 1ſt of January 1641-2, the king publiſhed a proclamation, wherein the Iriſh were expreſly called traitors and rebels. But there were only forty copies printed, which were all ſent to ſecretary Nicholas, according to an order received by the printer, to this effect:

Order to the printer. Ruſhworth, iv. p. 472.

"It is his majeſty's pleaſure, That you forthwith print on "very good paper, and ſend unto me, for his majeſty's ſer- "vice, forty copies of the proclamation inclоſed, leaving "convenient ſpace for his majeſty to ſign above, and to affix "the privy ſignet underneath. And his majeſty's expreſs "command is, That you print not above the ſaid number "of forty copies, and forbear to make any further publica- "tion of them till his pleaſure be further ſignified."

For his majeſty's printer [e].

ED. NICHOLAS.

It will hereafter be ſeen, what uſe the commons made of this order, the original whereof they had in their hands, and the king's anſwer.

Proceedings of the king and parliament.

I have already obſerved, that ſince the king's return from Scotland, there were between him and the commons ſeeds of diviſion, which threatned an approaching rupture. This ap-

[e] Nalſon has omitted this order to the printer, though the king denied it not. Rapin.

peared

peared on all occaſions, and the mutual diſtruſt continually increaſed; but with this difference, that the commons did not take the leaſt ſtep, but what tended to their end of filling the people with fears and jealouſies; whereas the king having yet formed no project, managed according to the preſent emergencies, without propoſing to himſelf a fixed and certain end, which was a great diſadvantage to him. Shortly after his return from Scotland, upon notice that there was to be a tumultuous concourſe of people at Weſtminſter, he ſent a writ to the ſheriff to ſet a guard near the parliament. The commons took offence at it, and after ſome inquiry to ſhow it was done by the king's order, diſmiſſed the guard. Charles I. 1641-2.

The king ſets a guard near the parliament. Decemb. 8. The commons diſmiſs them. Ruſhworth, iv. p. 456. Nalſon, t. ii. p. 726, 727, 729, 732.

Two days after, the king publiſhed a proclamation, ſtrictly commanding, that divine ſervice ſhould be performed in all the churches of England and Wales, according to the law and ſtatutes of the realm. This proclamation, which indeed contained nothing contrary to law, was however unſeaſonable, when the commons publicly ſhewed, that in the laws concerning divine ſervice, there were things offenſive to the conſciences of many people. But the king had the misfortune to forget ſometimes the ſituation of his affairs, and remember only his former ſtate, when his proclamations met with a ready compliance. He could eaſily ſee, that this would be at leaſt of no uſe, and conſequently he ſhould not have publiſhed it at ſuch a juncture. But he gave his enemies a much greater advantage againſt him, in another affair, which created him no ſmall mortification.

Proclamation concerning divine ſervice. Ruſhworth, Ibid. Nalſon, t. ii. p. 730. Clarendon, t. i. p. 255.

The commons had voted, as I ſaid, that a body of troops ſhould be ſent into Ireland. But as they were extremely jealous of the king, they ſought an expedient to hinder him from being concerned in the raiſing of theſe forces. They were apprehenſive, if theſe levies were made in the uſual manner, that is, by liſting volunteers, theſe troops would be too much at the king's devotion. This expedient was to levy ſoldiers by way of compulſion, called in England, preſſing, and to paſs an act for that purpoſe. A bill was accordingly brought in, and ſent up to the lords. Very likely, there was ſome clauſe in this bill contrary to the prerogative royal, to hinder the king from being concerned in levying theſe troops [f]. The king having notice of it, came to the parliament, and made the following ſpeech to both houſes.

Bill for preſſing of ſoldiers. Nalſon, t. ii. p. 750, 771. Clarendon, t. i. p. 257.

[f] In the preamble of the bill it was declared, "That the king had, in no "caſe, but the invaſion from a foreign "power, authority to preſs the free-born ſubject, which could not conſiſt with the freedom and liberty of his perſon." Clarendon, tom. i. p. 257.

Charles I. 1641-2.

" My lords and gentlemen,

The king's ſpeech to the parliament. Dec. 4. Ruſhworth, iv. p. 457. Nalſon, t. ii. p. 738.

" THE laſt time I was in this place, and the laſt thing " that I recommended unto you, was the buſineſs of " Ireland; whereby I was in good hope, that I ſhould not " have needed again to have put you in mind of that buſi- " neſs. But ſtill ſeeing the ſlow proceedings therein, and " the daily diſpatches that I have out of Ireland, of the la- " mentable eſtate of my proteſtant ſubjects there, I cannot " but again earneſtly recommend the diſpatch of that ex- " pedition unto you; for it is the chief buſineſs that at this " time I take to heart, and there cannot almoſt be any buſi- " neſs that I can have more care of.

" I might now take up ſome of your time in expreſſing " my deteſtation of rebellions in general, and of this in par- " ticular; but knowing that deeds and not declarations muſt " ſuppreſs this great inſolency, I do here in a word offer you " whatſoever my power, pains, or induſtry can contribute to " this good and neceſſary work, of reducing the Iriſh nation " to their true and wonted obedience.

" And that nothing may be omitted on my part, I muſt " here take notice of the bill for preſſing of ſoldiers, now " depending among you, my lords; concerning which, I " here declare, that in caſe it come ſo to me, as it may not " infringe or diminiſh my prerogative, I will paſs it. And " farther, ſeeing there is a diſpute raiſed, (I being little be- " holding to him whoſoever at this time began it) concern- " ing the bounds of this antient and undoubted prerogative; " to avoid farther debate at this time, I offer that the " bill may paſs with a Salvo Jure both for king and people, " leaving ſuch debates to a time that may better bear them. " If this be not accepted, the fault is not mine that this bill " paſs not, but theirs that refuſe ſo fair an offer.

" To conclude, I conjure you by all that is or can be " dear to you or me, that laying aſide all diſputes, you go " on chearfully and ſpeedily for the reducing of Ireland."

Though it clearly appeared, that in this ſpeech the king had no intention to violate the privilege of parliament, but only to remove the obſtacles which occurred on account of this bill, both houſes were equally offended. They appointed a joint committee to examine the king's ſpeech, and upon their report, the houſe of lords unanimouſly voted,

1. That

1. That the privileges of parliament were broken by his majeſty's taking notice of the bill for preſſing of ſoldiers, being in agitation in both houſes, and not agreed on. Charles I. 1641-2.

2. That his majeſty in propounding a limitation and proviſional clauſe to be added to the bill, before it was preſented unto him by the conſent of both houſes, was a breach of the privilege of parliament. Votes of the Lords. Nalſon, t. ii. p. 739, 741.

3. That his majeſty expreſſing his diſpleaſure againſt ſome perſons, for matters moved in the parliament, during the debate and preparation of that bill, was a breach of the privilege of parliament.

Theſe votes were alſo readily paſſed in the houſe of commons, after which both houſes united in a ſolemn declaration, importing, "That the king ought not to take notice "of any matter in agitation or debate in either houſe of "parliament, but by their information and agreement: And "that his majeſty ought not to propound any condition, "proviſion, or limitation to any bill or act in debate, or "preparation in either houſes of parliament; or to manifeſt "or declare his conſent or diſſent, approbation or diſlike of "the ſame, before it be preſented to his majeſty in due "courſe of parliament; and that every particular member "of either houſe hath free liberty of ſpeech to propound or "debate any matter according to the order and courſe of "parliament: And that his majeſty ought not to conceive "diſpleaſure againſt any man for ſuch opinions and propoſitions as ſhall be delivered in ſuch debate, it belonging "to the ſeveral houſes of parliament reſpectively to judge "and determine ſuch errors and offences in words or actions, "as ſhall be committed by any of their members, in the "handling or debating any matters depending: And that his "majeſty will be pleaſed to declare the authors of this miſ"information and evil counſel [z]." Declaration of both houſes. Ruſhworth, iv. p. 458. Nalſon, t. ii. p. 750.

Purſuant to this declaration, both houſes preſented to the king a more extenſive petition, which the king within few days anſwered in writing. The ſtrength of his anſwer conſiſted in, that he had no intention to infringe the privilege of Petition to the king, and his anſwer. Nalſon, t. ii. p. 751, 762. Clarendon, t. i. p. 258.

[z] The lord Clarendon ſays, that when the clauſe in the bill for preſſing, mentioned in the note above, put a ſtop to the bill in the houſe of lords, Mr. St. John, the king's ſollicitor, went privately to his majeſty, and perſuaded him to go to the parliament-houſe, and ſay the very words in his ſpeech relating to the Salvo Jure, as an expedient to remove rubs in the way of the Iriſh affairs. Upon which both houſes reſolving to do nothing till this manifeſt breach ſhould be repaired by paſſing the bill, the king was compelled to paſs it, as they had prepared it. Tom. i. p. 258.

Charles I. 1641-2.

parliament, and meant only to haſten the relief of Ireland. Both houſes were ſatisfied with this explication, and the affair was carried no farther. But there ſtill remained upon the king, a blemiſh for violating the privilege of parliament, which was then of great conſequence. This ſhows, the king had not then about him any very able counſellors. For if they had perceived the commons intention, ſince the re-aſſembling of the parliament, they would have been careful not to adviſe the king to take ſo many not only unneceſſary ſteps, but ſuch as give his enemies great advantages. Of this nature was the proclamation concerning divine ſervice. In the ſame rank I place alſo the great zeal he expreſſed for the church of England, which ſerved only to alienate ſtill farther from him all the adherents of the commons, and to ſhow them what they were to expect, if he ſhould be reſtored to his former ſtate. In a word, nothing could be more unſeaſonable than this laſt ſpeech to both houſes, as if the bare threat of not paſſing the bill was ſufficient to awe them, whereas, at leaſt in regard to the commons, it was a very ſtrong argument to cauſe them to inſiſt upon their demand. Beſides, the breach of privilege muſt have been evident, ſince there was not a ſingle member in both houſes, but what thought the king had violated it by his propoſition.

Faults of the king or his council.

Six or ſeven days after, the king gave a freſh occaſion of complaint by removing ſir William Balfour, lieutenant of the Tower from his place, with whom he had no reaſon to be pleaſed, on account of his evidence concerning the deſign of promoting the earl of Strafford's eſcape. Every one ſaw, this was the ſole cauſe of Balfour's diſgrace. But perhaps his removal would not have been of ſo ill conſequence to the king, had he not truſted that important place to colonel Lunsford, known to be a man of profligate manners, and fit for any purpoſe. This change made the commons believe, the king deſigned to ſecure the Tower, in order to awe the city and parliament. As their jealouſy of him was very great, and as beſides, it is certain, they ſought occaſions to perſuade the people, the king had ill deſigns, they failed not to improve the preſent. The ſame day that Lunsford was put in poſſeſſion of the Tower, a great number of Londoners, ſome of whom were common-council-men, preſented a petition to the lower-houſe, repreſenting, "That the whole "ſtate is deeply intereſted in the ſafe-cuſtody of the Tower, "but more eſpecially the city of London: That colonel "Lunsford is a man out-lawed, and moſt notorious for "out-

The king removes Balfour lieutenant of the Tower. Dec. 20. Ruſhworth, iv. p. 459. Clarendon. t. i. p. 262. and gives his place to Lunsford: which raiſes ſuſpicions againſt him.

The petition of ſeveral citizens of London, Dec. 23. Ruſhworth, iv. p. 485. Nalſon, t. ii. p. 773.

" outrages, and therefore fit for any dangerous attempt. " For which reaſon the petitioners, and many more who " have intelligence of his having the office of lieutenant be- " ſtowed on him, are put into ſuch a height of fear and " jealouſy, as makes them reſtleſs till they have repreſented " the ſame to the houſe of commons, humbly deſiring them " to take this affair into ſuch conſideration, as may ſecure " both the city and kingdom." Charles I. 1641-2.

It cannot be denied, that the king made a very ill choice in beſtowing this poſt on Lunsford, and thereby gave occaſion for diſadvantagious ſuſpicions. Beſides, it ſeems to be almoſt inexcuſable, to give the command of the Tower to a perſon of ſo ill a character, at a time when his enemies loſt no opportunity to inſpire the people with jealouſies. The moſt favourable thing that can be ſaid for the king is, that there being but few perſons who would be at his devotion, for fear of the indignation of the commons, he thought himſelf obliged to chuſe for lieutenant of the Tower, one leſs ſcrupulous, and of a deſperate fortune, who would depend on him, and it was not eaſy to find many ſuch.

The commons having taken into conſideration the petition preſented to them, deſired a conference with the lords, where they repreſented, " That colonel Lunsford is an unfit perſon " for ſo great a truſt, as the lieutenancy of the Tower. But " if his majeſty think cauſe that there ſhould be a lieutenant " of the Tower, the ſame being already under the command " of the earl of Newport [h], who is conſtable thereof by " his majeſty's appointment, then that ſir John Conyers may " be recommended to his majeſty for that place." The lords anſwered, they could not concur with the commons in an addreſs to the king to remove colonel Lunsford, becauſe they conceived the ſame would be an intrenchment upon his majeſty's prerogative. The commons deſire the lords concurrence for the removal of Lunsford, Dec. 23. Rushworth, iv. p. 459, 460. Nalſon, t. ii. p. 774. The lords refuſe it. Dec. 24.

The commons vexed at the refuſal of the lords, unanimouſly voted, " That colonel Lunsford was unfit to be " lieutenant of the Tower, as being a perſon the commons " could not confide in." At the ſame time they made a declaration, ſhowing their reaſons of fear and diſtruſt, as the conſpiracy to ſeduce the army, a former plot of poſſeſſing the Tower, the Iriſh rebellion, and the continual delays and interruptions they received in the houſe of peers, by reaſon of the great number of biſhops and popiſh lords; and therefore they held themſelves bound in conſcience to proteſt, that they Votes againſt Lunsford. Rushworth, iv. p. 460. Nalſon, t. ii. p. 778. The commons declaration

[h] Mountjoy Blount.

Charles I. 1641-2.

were innocent of the blood which was like to be ſpilt, and the confuſions which might overwhelm the ſtate, if Lunsford were continued in his charge. Moreover they hoped, that ſuch of the lords as had the ſame apprehenſions, would likewiſe take ſome courſe to make the ſame known to his majeſty. This declaration being communicated to the lords, it was reſolved by the majority of votes, that the debate thereof ſhould be adjourned till next Monday. But two and twenty lords entered their proteſt againſt that vote.

ſent to the lords, who adjourn the debate of it.

Twenty two lords proteſt. Ruſhworth, v. p. 458.

The ſame day the commons ſent and deſired the earl of Newport, to reſide within the Tower as conſtable, and to take the cuſtody of that place.

The earl of Newport deſired to reſide in the Tower.

Beſides the inhabitants of London, whoſe petition had occaſioned the commons declaration, the apprentices had flocked together in great numbers, and preſented a petition to the king, praying him to concur with the commons in rooting out papiſts, innovators, biſhops, as having all combined to ſubvert the government, and introduce popery.

Petition of the apprentices. Ruſhworth, iv. p. 462. Nalſon, t. ii. p. 773.

On the morrow, the 26th of December, being Sunday, the lord-mayor, ſir Richard Gurney, ſeeing the apprentices begin to re-aſſemble, and knowing they intended to go the next day to Whitehall for an anſwer to their petition, waited upon the king to inform him of it. He repreſented withal, that great miſchiefs might enſue if Lunsford was not removed; adding, the people of London were reſolved to attempt the Tower, to put him out. Whereupon the king that ſame evening took the keys from Lunsford, but at the ſame time diſcharged the earl of Newport of the conſtableſhip of the Tower.

The lord mayor informs the king of the diſpoſition of the people. Ruſhworth. iv. p. 462.

Lunsford removed as well as the earl of Newport.

The reaſon, or perhaps the pretence of that earl's diſgrace was, that the king had been told, that at a meeting at Kenſington, whilſt he was in Scotland, the earl of Newport, upon diſcourſe of ſome plots in that kingdom, ſhould ſay, "If there "be ſuch a plot, yet there are his wife and children." But the earl hearing ſuch a rumour had reached the queen, waited upon her majeſty, and with many proteſtations aſſured her, that never any ſuch words were ſpoken, nor the leaſt thought conceived of any ſuch thing, with which the queen ſeemed to reſt ſatisfied. Nevertheleſs, ſeveral months after, and the ſame day ſir William Balfour was removed from the lieutenancy of the Tower, the king aſked him, whether he had heard any debate at Kenſington, "about ſeizing upon the "queen and her children?" The earl ſtrongly denied it; to which the king replied, "That he was ſorry for his lord-"ſhip's memory." This is what the earl of Newport poſitively affirmed himſelf in the houſe of peers.

Pretence againſt Newport. Ruſhworth, iv. p. 463. Nalſon, t. ii. p. 780.

Decemb. 23.

The

The lords being convinced, that the king, upon a falſe rumour, had entertained ſuſpicions of the earl of Newport[1], eſpouſed his cauſe, and preſented a petition to the king, praying him to declare the reporter of thoſe words. The earl of Bath, the 30th of December, reported his majeſty's anſwer as follows: Charles I. 1641-2.

Petition of the lords. Ruſhworth, iv. p. 463.

The king's anſwer. Id. p. 465. Nalſon, t. ii. p. 796.

"It is true, that I have heard rumours of ſome propoſitions that ſhould have been made at Kenſington, for the ſeizing of the perſons of my wife and children; and in things of ſo high a nature, it may be fit for any prince to enquire, even where he hath no belief nor perſuaſion of the thing; ſo I have aſked Newport ſome queſtions concerning that buſineſs, but far from that way of expreſſing a belief of the thing, which Newport hath had the boldneſs and confidence to affirm; which I could eaſily make appear, but that I think it beneath me, to conteſt with any particular perſon. But let this ſuffice, that I aſſure you, I neither did nor do give credit to any ſuch rumour. As for telling the name of him who informed me, I do ſtick to the anſwer which I gave to your laſt petition upon the like particular."

What colour ſoever the king put upon his behaviour to the earl of Newport, it plainly appeared, that he had quarrelled with that lord, on purpoſe to remove him from the conſtableſhip of the Tower, at the very time he was deſired by the commons to reſide there. This did not help to cure the commons ſuſpicions.

New meaſures of the commons.

I have already mentioned the project formed by the leaders and managers of the houſe of commons againſt the king, namely, the diveſting him of great part of his power. To compaſs that end, it was neceſſary to remove the obſtacles which inceſſantly occurred in the houſe of peers, where the biſhops and popiſh lords were always able, by the number of their voices, to oppoſe the execution of the project. Hitherto the commons had endeavoured in vain to exclude the biſhops from the upper-houſe, and there was no likelihood that their ſollicitations would produce any greater effect for the future. They were therefore either to relinquiſh their project, or take more effectual methods to obtain by force

[1] Upon the earl of Newport's information, the houſe of lords thinking it to be a matter of great conſequence, and becauſe ſome members of the commons (as being preſent at the meeting at Kenſington) were concerned, had a conference with them, and deſired them to join with them in ſearching this buſineſs to the bottom. Whereupon they agreed to concur in a petition to the king, &c. Ruſhworth, tom. iv. p. 463.

what

Charles I. 1641-2. what would never have been obtained by fair means. I am very ſenſible, ſome will take it ill that I poſitively affirm, the tumults I am going to ſpeak of, were the effect of the intrigues of the contrary party to the king, and that ſeveral pretend it was all owing to accident, and the diſcontents of the people. The reader will be able to judge, when he has ſeen what paſſed in the latter end of December.

Concourſe of people at Weſtminſter. Ruſhworth, iv. p. 463. Clarendon, t. i. p. 264, 266.

On Monday the 27th of this month, there was a great concourſe of people at Weſtminſter, where they who had preſented the petition of the Londoners, the apprentices, and an infinite number of others, flocked, on pretence of waiting for the king's and parliament's anſwer. Among theſe multitudes, many were heard to cry aloud, "No Biſhops! No "Biſhops! This correſponded with the petition of the apprentices. The biſhop of Lincoln, Dr. Williams, lately nominated to the ſee of York [k], coming with the earl of Dover to the houſe of peers, and obſerving a youth to cry out louder than the reſt againſt biſhops, ſtept to him and ſeized him, in order to have him committed to priſon. But the people reſcued the youth, and gathering about the biſhop, hemmed him in, that he could not ſtir, ſo that he was like to be preſſed to death. But at laſt they let him go, ſtill crying out as loud as they could, "No Biſhops!"

Tumult.

Origin of the name of Roundheads Ruſhworth, iv. p. 463. Clarendon, t. i. p. 267.

At the ſame time, three or four officers, who had ſerved in the late army againſt the Scots, walking near Weſtminſter-hall, one of them, captain David Hide, drew his ſword, ſaying, he would cut the throats of thoſe "Round-headed cropp'd-"eared dogs that bawled againſt the biſhops." But the other officers refuſing to ſecond him, he was apprehended by the citizens, and brought before the houſe of commons and ſent to priſon. There is no other known origin of the name of Roundheads, which from that time was given to the parliamentarians [l].

Lunsford and others wound the citizens. Ruſhworth, iv. p. 463.

The ſame day colonel Lunsford, with thirty or forty officers coming through Weſtminſter-hall, and meeting the multitudes, drew their ſwords, and wounded ſome twenty apprentices and citizens. The news being carried into the city, great numbers of apprentices and others ran to Weſtminſter with ſwords and ſtaves, which cauſed a dreadful uproar both

[k] He was reſtored to his place in the houſe of lords, at the beginning of this parliament, November 26, 1640. Nalſon, tom. i. p. 520.

[l] The apprentices it ſeems wore the hair of their head cut round, and the queen obſerving out of a window, Samuel Barnardiſton among them, cried out, "See what a handſome young Round-"head is there:" and the name came from thence, and perhaps was firſt publicly uſed by captain Hide.

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in London and Weſtminſter. The lord mayor, to prevent any farther diſorders, commanded the city gates to be ſhut, and put the trained-bands in arms, whilſt on the other hand, the king ordered ſome of the militia of Middleſex and Weſtminſter to come by turns and guard his perſon. Charles I. 1641-2.

The lords ſeeing ſo great a tumult, ordered the gentleman-uſher of the black-rod, to command the people to depart to their homes. But the people anſwered they could not, becauſe Lunsford, with other ſwordſmen, lay in wait for them in Weſtminſter-hall, and had already wounded ſeveral. Whereupon the lords appointed a committee to examine, what warrant Lunsford and the other officers had to come to Weſtminſter, and likewiſe what notice had been given to any others to come in multitudes about the parliament-houſe. They tried once more to ſend away the people, but not ſucceeding, deſired the commons to join with them in publiſhing a declaration againſt tumults, and in petitioning the king for a guard. The commons anſwered, it was now ſo late, that they had not time to take this requeſt into conſideration. Mean while, upon information that ſome of the people were ſent to priſon, they appointed a committee to examine, by whoſe authority they were impriſoned, with power to releaſe them, if it was thought proper. A clear evidence that this tumult was not diſagreeable to the commons [m].

The lords try in vain to appeaſe the tumults. Nalſon, t. ii. p. 781. Ruſhworth, iv. p. 463.

The commons act coldly. Nalſon, t. ii. p. 784, 792.

On the morrow, the 28th, the tumult continued in the ſame manner as the day before, and the commons made no more haſte to appeaſe it. On the contrary, they adjourned the debate of the lords requeſt till next day. At laſt, on the 29th, the populace being again aſſembled, they acquainted the lords, that they were ready to join in all lawful ways and means to appeaſe the tumults, but for printing a declaration, it was a matter that would require ſome farther deliberation [n].

The tumults continue. Ruſhworth, iv. p. 465.

It is very evident, the commons did not deſire theſe tumults ſhould be ſo ſoon ended, eſpecially if what is ſaid of Mr. Pym, one of the leading members, be true. For it is affirmed, he anſwered to one that perſuaded him to endeavour to prevent theſe tumultuous aſſemblies, "God forbid the "people ſhould be hindered from obtaining their juſt deſires." Indeed the houſe in general cannot be accuſed of taking any reſolution to encourage theſe tumults. However it is but too probable, not to ſay certain, that they were cauſed by the intrigues

Remark on the proceedings of the commons. Nalſon, t. ii. p. 788. Dugdale's View, p. 80.

m Cornelius Burgeſs, a puritan miniſter, uſed to ſay of the rabble, "Theſe "are my Bandogs, I can ſet them on, "and I can fetch them off again."

n This anſwer to the lords was on the 28th. Ruſhworth, tom. iv. p. 465.

Charles I. 1641-2.

trigues and direction of ſome of the leaders of the oppoſite party to the king.

To be ſatisfied of this truth, a man need only conſider, what was the ſituation of affairs at the end of December 1641. The redreſs of grievances was no longer the point; that was now compleated without any oppoſition from the king. He could therefore affirm, that his conſent to the acts paſſed in this parliament, was the effect of his love for his people, with as much reaſon as his enemies could ſay, it was only by compulſion and diſſimulation. It is certain, that after the king's return from Scotland, there were in the parliament many members who wiſhed the reform might be carried no farther, perſuaded as they were, that what was already done ſufficed for the ſafety of the kingdom, and prevention of an arbitrary government for the future. This was the prevailing opinion in the houſe of peers, chiefly becauſe of the biſhops and popiſh lords, who always made the ballance incline to the king's ſide, when this capital point was directly, or indirectly in queſtion.

It was otherwiſe in the houſe of commons. Moſt of the members, not contenting themſelves with having redreſſed the grievances, were alſo for leſſening the royal authority, and putting it out of the king's power to govern for the future, as he had done before this parliament. Some acted out of pure diſtruſt of the king's ſincerity: others out of fear of being expoſed to his reſentment, if he ſhould ever be in a condition to make them feel the effects of it. Beſides theſe two motives, the preſbyterians had a third, namely, to alter the government of the church, which they plainly ſaw could never be effected, but by diſabling the king to oppoſe it. All theſe members were united in the project of depriving the king of good part of his power. But there was a great difference between them with reſpect to the animoſity againſt the king, and the zeal wherewith they purſued the execution of their deſign. The preſbyterians were the moſt paſſionate; whilſt others, who acted only from motives of diſtruſt and jealouſy, behaved with leſs warmth. They could not, without a ſort of remorſe, contribute to the throwing of the whole kingdom into confuſion, upon the foundation of a bare diſtruſt, or of a fear, to which it was impoſſible to apply any remedy. This had cauſed great debates in the houſe about the remonſtrance of the ſtate of the kingdom. Many conſidered it as unneceſſary, and others ſupported it, becauſe they ſaw no ſurer means to beget a rupture between the king and the parliament, without which rupture they looked upon themſelves as undone, for

for without it, they could not hope to execute their projects. Charles I. 1641-2.
Oliver Cromwell, who as yet made no figure in the houſe, told the lord Falkland, "That if the remonſtrance had been "rejected, he would have ſold all he had the next morning, "and never ſeen England more." Clarendon, t. i. p. 247.

After the remonſtrance was preſented to the king, his enemies loſt no opportunity to cheriſh the fears and jealouſies of the people, in which they had a double view. Firſt, they prepared them for the change they were meditating, by intimating the abſolute neceſſity of diminiſhing the king's power. Secondly, by provoking the king, they hoped to engage him in ſome violent meaſures, proper to confirm the ſuſpicions they were ſtriving to infuſe into the people, in which they ſucceeded but too well, the king being ſo unfortunate, as not to have any able council about him, who might warn him of the ſnares that were laid for him. However, they were ſtill very far from their end, by reaſon of the obſtacles they met with in the houſe of peers, where the biſhops and popiſh lords broke all their meaſures.

Probably, this ſort of conteſt between the two houſes would have laſted much longer, if the tumultuous concourſe of the Londoners about Weſtminſter, had not come very ſeaſonably to frighten the biſhops and popiſh lords, as will be ſeen preſently. When therefore ſuch multitudes were ſeen flocking to Weſtminſter, exclaiming againſt the biſhops and catholic lords, inſulting the peers of the king's party, in a word, acting ſo agreeably to the deſires and intentions of the commons, one can hardly help thinking, they were countenanced and encouraged by ſome of the members of that houſe; and the rather, as there can be no other probable reaſon aſſigned of ſo ſudden a commotion.

As to the juſtice of the project, formed by the commons to diſable the king from doing for the future what he had done for fifteen years, it is a queſtion not eaſily to be decided. The point is to know, whether, at the time I am ſpeaking of, in reſtoring the king to all his rights, there was juſt ground to confide in him, without any fear of his abuſing his power for the future. But there is ſo much to be ſaid on both ſides of the queſtion, that the impartial muſt be at a loſs, and the more, as the thing is to know perfectly what the king's intention was, which no man can diſcover. It is therefore upon bare conjectures that ſome decide, that, after the king's conceſſions in this parliament in favour of his ſubjects, it was reaſonable to rely on his word; and that others affirm, it was imprudent to conſider the king's aſſent to the acts, as a proof of

Charles I. 1641-2.

of his intention to govern according to law, ſince this aſſent was not altogether voluntary. On this queſtion run all the papers which were afterwards publiſhed, either by the king or the parliament.

The tumults continue. Ruſhworth, iv. p. 466. Nalſon, t. ii. p. 794. Hacket, part ii. p. 178. Clarendon, t. i. p. 271, &c.

The tumults ſtill continuing about the parliament-houſe, and the commons not appearing very urgent to appeaſe them, twelve biſhops met at the archbiſhop of Yorks, to conſult together upon what was to be done. Here, by the advice of the archbiſhop, they reſolved to go no more to the houſe of peers, but preſent to the king and the lords the following proteſtation *.

To the king's moſt excellent majeſty, and the lords and peers, now aſſembled in parliament; the humble petition and proteſtation of all the biſhops and prelates now called by his majeſty's writs to attend the parliament, and preſent about London and Weſtminſter for that ſervice.

"THAT whereas the petitioners are called up by ſeveral and reſpective writs, and under great penalties, to attend in parliament, and have a clear and indubitate right to vote in bills, and other matters whatſoever, debateable in parliament, by the antient cuſtoms, laws and ſtatutes of this realm, and ought to be protected by your majeſty, quietly to attend and proſecute that great ſervice.

"They humbly remonſtrate and proteſt before God, your majeſty, and the noble lords and peers, now aſſembled in parliament, that as they have an indubitate right to ſit and vote in the houſe of the lords, ſo are they (if they may be protected from force and violence) moſt ready and willing to perform their duties accordingly. And that they do abominate all actions and opinions tending to popery, and the maintenance thereof; as alſo all propenſion and inclination to any malignant party, or any other ſide or party whatſoever,

* This proteſtation was penned in haſte and haſte, by William archbiſhop of York, juſt after the treatment he had met with from the apprentices and others, and, without delay, preſented by him to the king, with an humble deſire, that his majeſty would ſend it to the houſe of peers, ſince the biſhops could not do it themſelves, and that he would command, it ſhould be entered into the journal of the houſe. His majeſty juſt caſt his eye upon it, and believing it drawn by mature advice, delivered it to the keeper, who unfortunately happened to be preſent, commanding him to deliver it to the houſe. Clarendon, tom. i. p. 276. Some ſay, that the lord keeper was ordered not to read it, till the king, at the biſhops inſtance, came into the houſe of peers. But, that to ingratiate himſelf with the parliament, to whom he was become obnoxious, he communicated the petition to ſome unfriendly members of both houſes. Collier's Eccl. Hiſt. tom. ii. p. 818.

"ever,

" ever, to the which their own reaſon and conſciences ſhall Charles I.
" not move them to adhere. 1641-2.

" But whereas they have been at ſeveral times violently " menaced, affronted, and aſſaulted by multitudes of people, " in their coming to perform their ſervices in that honourable " houſe; and lately chaſed away, and put in danger of their " lives, and can find no redreſs or protection, upon ſundry " complaints made to both houſes in theſe particulars.

" They likewiſe humbly proteſt before your majeſty, and " the noble houſe of peers, that ſaving unto themſelves all " their rights and intereſt of ſitting and voting in the houſe " at other times, they dare not ſit or vote in the houſe of " peers, until your majeſty ſhall farther ſecure them from all " affronts, indignities, and dangers in theſe premiſes.

" Laſtly, whereas their fears are not built upon phantaſies " and conceits, but upon ſuch grounds and objects, as may " well terrify men of good reſolutions, and much conſtancy, " they do in all duty and humility, proteſt before your ma- " jeſty, and the peers of that moſt honourable houſe of par- " liament, againſt all laws, orders, votes, reſolutions, and de- " terminations, as in themſelves null, and of none effect; " which in their abſence, ſince the 27th of this inſtant month " of December 1641, have already paſſed; as likewiſe againſt " all ſuch as ſhall hereafter paſs in that moſt honourable " houſe during the time of this their forced and violent ab- " ſence from the ſaid moſt honourable houſe; not denying, " but if their abſenting themſelves were wilful and volun- " tary, that moſt honourable houſe might proceed in all " theſe premiſes, their abſence, or this their proteſtation not- " withſtanding.

" And humbly beſeeching your moſt excellent majeſty " to command the clerk of that houſe of peers, to en- " ter this their petition and proteſtation amongſt his re- " cords:

" They will ever pray to God to bleſs and preſerve, etc.

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|---|---|---|
| Joh. Eborac. | Tho. Dureſme. | Rob. Co. & Lich. |
| Joſ. Norwich. | Jo. Aſaphen. | Guil. Ba. & Wells. |
| Geo. Hereford. | Rob. Oxon. | Mat. Ely. |
| Godfr. Gloceſt. | Jo. Peterburg. | Morg. Landaff. |

It muſt be obſerved, that amongſt theſe twelve biſhops, there were nine of the thirteen accuſed by the commons, on account of the canons of the late convocation.

Charles I. 1641-2.

It is manifeſt this proteſtation tended to diſſolve the parliament without the king's interpoſing: for if, according to the proteſtation, the houſe of peers could do nothing but what in itſelf was null without the concurrence of the biſhops, it was no leſs certain that the houſe of commons could do nothing valid without the concurrence of the peers; whence it followed, that the parliament was become uſeleſs, or ſuſpended, in the intention of the biſhops by this proteſtation. It appears alſo, that the king had the ſame thought, by his haſte to communicate the proteſtation to the lords, probably before his council had examined it. Very likely he imagined the lords would eſpouſe the cauſe of the biſhops, as making, according to his notion, a third eſtate of parliament, and that this affair might occaſion the diſſolution of the parliament. But he found that the houſe of peers, hitherto ſo favourable to him, was no longer in the ſame diſpoſitions, ſince the biſhops and popiſh lords were frightened away by the tumults. The majority of voices not being now for the king, the houſe looked upon this proteſtation with a very different eye from what the king expected: they deſired a conference with the commons, where the lord keeper told them, in the name of all the peers, "That this proteſtation containing matters of "dangerous conſequence, extending to the deep intrenching "upon the fundamental privileges and being of parliaments, "the lords had thought fit to communicate it to the com-"mons, as a thing of great and general concernment."

Remark on the biſhops proteſtation.

Ruſhworth, tom. iv. p. 467. Nalſon, tom. ii. p. 795.

The commons had no ſooner received the report of this conference, but they immediately reſolved to accuſe the twelve biſhops of high treaſon, for endeavouring to ſubvert the fundamental laws and the very being of parliaments. This reſolution ought not to ſeem ſtrange, after having ſeen how the commons ſtood affected to the biſhops. They took care not to loſe ſo fair an opportunity of freeing themſelves from the obſtacles they continually met with from the biſhops in the upper houſe; and beſides, the lords ſeemed diſpoſed to come into their meaſures. So, that very moment, Mr. Glyn was ſent to the houſe of peers, to accuſe in form the twelve biſhops of high treaſon, and to deſire they might be put into ſafe cuſtody [p]. Whereupon the lords ordered the black-rod

The commons accuſe the biſhops of high treaſon.

Ruſhworth, tom. iv. p. 467. Nalſon, tom. ii. p. 796, etc. Clarendon, tom. i. p. 277, 278.

[p] The lord Clarendon ſays, the biſhops friends took ſo great offence at this indiſcreet proteſtation, that though they deſired to preſerve their function, they had no compaſſion or regard of their perſons, or what became of them; inſomuch as in the whole debate, there was only one gentleman who ſpoke in their behalf, and ſaid, "He did not "believe they were guilty of high trea-"ſon; but that they were ſtark mad, "and therefore deſired they might be "ſent to Bedlam." Tom. i. p. 279.

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to bring the twelve biſhops to the bar of their houſe, which was done by eight o' clock at night, and ten of them were committed to the Tower, Moreton biſhop of Durham, and Wright biſhop of Coventry and Lichfield, in regard of their age, remaining with the black-rod. Charles I. 1641-2. They are ſent to the Tower.

On the morrow, the 31ſt of December, the commons ſent and deſired the lords to take into conſideration the bill ſent up ſome months ſince, for taking away the biſhops votes; to which the lords anſwered, they would take the ſame into conſideration in convenient time [q]. Ruſhworth, tom. iv. p. 468. Nalſon, tom. ii. p. 800.

The ſame day the commons ſent a committee to the king, to repreſent to him, "That the houſe was under great apprehenſions, by reaſon of a malignant party, who were continually forming pernicious deſigns: nay, that ſome of them had embrued their hands in the blood of his ſubjects at the gates of his palace, and in the face and at the doors of the parliament. That therefore they humbly beſought his majeſty, that they might have a guard out of the city, commanded by the earl of Eſſex, of whoſe fidelity there could be no ſuſpicion." The commons deſire a guard. Nalſon, tom. ii. p. 793, 801. Ruſhworth, tom. iv. p. 471.

As the populace of London were diſperſed, and the officers ſtill kept about Weſtminſter, the houſe was under ſome apprehenſion of inſults from theſe reformadoes, and particularly Lunsford, who was a deſperate man. So, the king deſiring to have this meſſage in writing, which had been delivered by word of mouth only, and not returning an anſwer the ſame day, the commons ordered that thirty or forty halberts ſhould be brought into the houſe, for their better ſecurity. They cauſe arms to be brought into their houſe. Ruſhworth, iv. p. 471.

Their fear was farther increaſed upon notice that the young gentlemen of the inns of court were aſſembled, and gone to Whitehall, to offer their ſervice to the king, who had received them very graciouſly, and ordered them to be handſomely entertained at tables provided for them. The inns of court gentlemen come and offer to guard the king. Nalſon, tom. ii. p. 803.

[q] Not long before this, the king had filled, in the following manner, ſome ſees that were vacant: Dr. Prideaux was made biſhop of Worceſter, Dr. Winniff of Lincoln, Dr. Brownrigg of Exeter, Dr. Henry King of Chicheſter, and Dr. Weſtfield of Briſtol. The commons were, it ſeems, thereupon much troubled, that, at a time when they reſolved to take away the old, the king ſhould preſume to make new biſhops.— About the ſame time Lucius Carey, viſcount Falkland, was made ſecretary of ſtate, in the room of ſir Henry Vane; and ſir John Colepepper, one of the knights of the ſhire for Kent, chancellor of the exchequer; they were alſo ſworn of the privy council: and Mr. Edward Hyde, afterwards earl of Clarendon, was now admitted into the king's favour. Clarendon, tom. i. p. 239, 269. Warwick, p. 194.

Charles I. 1641-2.

The king on his part was not without uneaſineſs: he was afraid the tumultuous concourſe of the people would be renewed on New-year's day; and therefore ſent orders to the common council of London, to take good meaſures for prevention of the like diſorders as had happened on the foregoing days, in which he was punctually obeyed.

The king orders the lord mayor to prevent the diſorders Ibid.

The parliament having adjourned from Friday till Monday, becauſe the morrow was New-year's day [r], and the next day Sunday, it was the 3d of January before the king returned an anſwer to the commons meſſage concerning a guard, which was to this effect:

Rushworth, tom. iv. p. 469.

The king's anſwer concerning the guards. Nalſon, tom. ii. p. 803. Rushworth, tom. iv. p. 471.

"That it was with great grief of heart that he found "the commons, inſtead of reaping the fruits of his grace "and affection to his people, ſhould ſuffer jealouſies, diſtruſts, "and fears to be ſo prevalent among them, as to induce "them to declare them unto him in ſo high a meaſure as "they had done: that he was wholly ignorant of the grounds "of their apprehenſions; but if he had any knowledge or "belief of the leaſt deſign in any, of violence againſt them, "he would purſue them with the ſame ſeverity and deteſta- "tion as he would do the greateſt attempt upon his crown. "And he engaged ſolemnly, on the word of a king, that "the ſecurity of all and every of them, from violence, was, "and ſhould ever be, as much his care as the preſervation "of himſelf and his children. And if this general aſſurance "ſhould not ſuffice to remove their apprehenſions, he would "command ſuch a guard to wait upon them, as he would "be reſponſible for to him, who had charged him with the "ſafety and protection of his ſubjects."

Before we proceed, it will be neceſſary to ſhow exactly the ſituation of the king's affairs in the beginning of the year 1641-2. There was in the houſe of commons a ſtrong party, who were labouring to deprive the king of good part of his prerogatives, ſome through fear or diſtruſt, others for more hidden deſigns: but theſe laſt took care not to diſcover their intentions; they pretended to act only upon the ſame motives of diſtruſt, which influenced the firſt, in expectation of engaging them by degrees to ſecond them in their projects. For this reaſon, they loſt no opportunity to in-

[r] In England, where the old ſtyle is uſed, the year begins the 25th of March. This ſtyle is made uſe of in all public acts, deeds, writings, hiſtories, and elſewhere. But however, in the dates, the difference of the two ſtyles is ſet down from the 1ſt of January to the 25th of March, in this manner, 1641-2 that is, the year 1641 according to the old, and the year 1642 according to the new ſtyle: ſo the 1ſt of January is acknowledged for the firſt day of the year according to the new ſtyle. Rapin.

flame

flame this diſtruſt of the king, by aggravating whatever could be blamed in his government, during the firſt fifteen years of his reign, and by referring all his actions, ſince the beginning of this parliament, to the ſame principles by which he had governed before. In a word, their aim was to ſhow that the king was ſtill the ſame, and had not altered his maxims: that his condeſcenſion for the parliament had been forced, and full of diſſimulation: that he only waited for a proper ſeaſon to return to his old courſes, and when once he was reſtored to his authority, he would uſe it, to be revenged of thoſe by whom he thought himſelf injured, and to take juſter meaſures to eſtabliſh an arbitrary government. Charles I. 1641-2.

Indeed, as all theſe things depended upon the king's ſecret intention, they could not be evidently proved; but however, ſuch indications were given, as ſerved to make impreſſion on many people. It was obſerved that the king always talked of his aſſent to the acts of this parliament, as being of pure grace, and not of juſtice; from whence it was eaſy to infer, that he reſerved to himſelf the power of revoking them when he ſhould find occaſion: that there was but too much reaſon to ſuſpect he was concerned in the Iriſh rebellion, conſidering in what juncture of time it broke out, and the rebels declaration that they had the king's and queen's authority for what they did: that it was very probable he ſhowed a regard to the papiſts, to make uſe of them on occaſion: that he could not reſolve to execute the ſeven prieſts legally condemned, though he had been earneſtly deſired by both houſes of parliament: that notwithſtanding his conſtant promiſes to put the laws in execution againſt recuſants, it had never been performed; but, on the contrary, he truſted recuſants with the moſt important poſts: that the conſpiracy to ſeduce the army, plainly diſcovered his deſigns: that very lately he had violated the privileges of parliament in ſo evident a manner, that there was not a ſingle member in both houſes, but what was perſuaded of the reality of this violation: that nevertheleſs, inſtead of ſatisfaction, he had anſwered, "That he himſelf did not believe he had violated the privileges of parliament, nor ever intended it:" that therefore it was abſolutely neceſſary to limit his power, and diſable him to govern for the future according to his pleaſure, as he had done for fifteen years.

Theſe reaſons produced various effects in the minds of people, according to the temper, underſtanding, and principles of thoſe to whom they were addreſſed. To ſome they appeared too uncertain to ground thereon the project of diminiſhing the

Charles I. 1641-2. the regal power, and consequently of altering the constitution of the government. Others thought them unanswerable, But there were many members who wavered between their distrust of the king, and their fear of involving the kingdom in troubles on a doubtful foundation. These however were easily persuaded to join in proceedings, which were represented to them as necessary precautions, without being told their real design; as for instance, to consent to the bill for excluding the bishops. If the leaders of the presbyterian party had discovered to them, that it was their intention to diminish the royal power, in order the more easily to establish presbytery upon the ruins of episcopacy, they would never have succeeded. Nay, they would have grown so suspected, that their credit would have been entirely forfeited. For it must be observed, that the heads of the opposite party to the king, though mostly presbyterians, had not yet acted as such, but only as zealous assertor's of the people's rights, and as enemies to tyranny, in which the whole party were perfectly united. When therefore they moved any thing against the bishops, they intimated that it was not in hatred of episcopacy, but to lessen the credit of the bishops, which they had abused in supporting arbitrary power, and to hinder them from doing so any more. Unfortunately, there were bishops who had given too much cause of complaint, and by their conduct engaged many church of England men themselves to concur with the others in the design of limiting the authority of the whole body.

Before the bishops and popish lords had absented themselves from the house of peers, the party I have just mentioned met with insuperable obstacles in that house: nay, even after that, those that remained were not equally engaged in this party. There were still many lords, who, though opposite to the king, and extremely jealous of him, could not however resolve to do any thing that struck at the government of the church and state, or at least that tended to alter the constitution. So ever since the re-assembling of the parliament, the presbyterians had yet been only struggling, as I may say, with the rest of the opposite party to the king, to induce them by degrees to concur in humbling the regal power. They had caused to be passed the remonstrance of the state of the kingdom, spread suspicions of the king concerning the rebellion of Ireland, and hindered the sending of an English army thither. Their intrigues had bred great distrust concerning the popish party countenanced and protected by the king, and produced mortifying addresses to the king upon the breach of the privileges of parliament, and the lieutenancy of the Tower;

Tower; tumultuous aſſemblies of the people at Weſtminſter; the petition for a guard, as if the houſe of commons was in great danger from the king's party: in a word, the biſhops, their principal enemies, were in the Tower. In all this, preſbyterianiſm hardly appeared; and if ſome ſuſpected it to be the chief cauſe of the troubles, at leaſt it was not eaſy to prove it. Charles I. 1641-2.

Notwithſtanding all theſe advantages, the preſbyterians ſtill ſaw themſelves very far from their end. They had ſufficient credit to cauſe to paſs in the houſe of commons votes agreeable to the general deſign of the whole party; but were themſelves very ſenſible, they durſt not yet venture openly to diſcover their particular end, I mean the deſtruction of the church of England, and the eſtabliſhment of preſbyterianiſm. It was neceſſary before all things to diſable the king to oppoſe it. For that purpoſe the members of both houſes were to be gained, who ſtill wavered between their diſtruſt of the king, and the fear of involving the kingdom in great troubles, if the conſtitution ſhould be attacked. Theſe members were numerous enough to raiſe invincible obſtacles to that project, by joining with the king's party. For it muſt not be imagined that all who oppoſed the king were of the ſame character, and acted upon the ſame principles and motives: they were only united in this ſingle point, namely, that tyranny being equally odious to them, they wiſhed with the ſame ardor to be entirely freed from it.

Things being in this ſituation, the king, by the lord Digby's advice, who was then his chief counſellor, took a ſtep the moſt imprudent, and moſt fatal to his affairs that he could poſſibly take in ſuch a juncture [a]. The 3d of January 1641-2, ſir Edward Herbert attorney-general, coming to the houſe of peers, acquainted them that the king had commanded him to accuſe of high treaſon the lord Kimbolton [t], and five commoners, namely, Denzil Hollis, ſir Arthur Haſlerig, John Pym, John Hampden, and William Stroud. At the ſame time he delivered the general articles of impeachment, given him by the king with his own hand, viz.

The king orders a peer and five commoners to be accuſed of high treaſon. Ruſhworth, tom. iv. p. 473. Nalſon, tom. ii. p. 811. Annals, p. 906. Clarendon, tom. i. p. 280.

[a] The king, during his laſt journey into Scotland, had received ſome information of the lord Saville's forged letter of invitation to the Scots, in the name of the lord Kimbolton, etc. (See above, p. 69. note d.) And that was the reaſon of his impeaching the gentlemen here mentioned. Franklyn's Ann. p. 906. — Beſides, he was informed, that they had private meetings, and a correſpondence with the Scots in London, and countenanced the late tumults from the city. Whitelock, p. 52.

[t] Son of the earl of Mancheſter, who was ſtill alive; and this lord who had been called to the houſe of peers by the title of lord Kimbolton, was himſelf afterwards earl of Mancheſter. Rapin.

Charles I. 1641-2.

1. That they had traiterouſly endeavoured to ſubvert the fundamental laws and government of the kingdom of England, to deprive the king of his royal power, and to place in ſubjects an arbitrary and tyrannical power over the lives, liberties, and eſtates of his majeſty's liege people.

The articles againſt them.

2. That they had traiterouſly endeavoured, by many foul aſperſions upon his majeſty and his government, to alienate the affections of his people, and to make his majeſty odious unto them.

3. That they had endeavoured to draw his majeſty's late army to diſobedience to his majeſty's command, and to ſide with them in their traiterous deſigns.

4. That they had traiterouſly invited and encouraged a foreign power to invade his majeſty's kingdom of England.

5. That they had traiterouſly endeavoured to ſubvert the rights and the very being of parliaments.

6. That for the completing of their traiterous deſigns, they had endeavoured, ſo far as in them lay, by force and terror to compel the parliament to join with them in their traiterous deſigns; and to that end had actually raiſed and countenanced tumults againſt the king and parliament.

7. That they had traiterouſly conſpired to levy, and actually had levied war againſt the king.

Then Mr. Attorney ſaid, that he was further charged to deſire on his majeſty's behalf:

1. That a ſelect committee, under a command of ſecrecy, may be appointed to take the examination of ſuch witneſſes as the king will produce in this buſineſs, as formerly hath been done in caſes of like nature, according to the juſtice of this houſe.

2. Liberty to add and alter, if there ſhould be cauſe.

3. That their lordſhips would take care for the ſecuring of the perſons as in juſtice there ſhould be cauſe.

Conſiderations on this ſtep of the king's.

It is very hard to conceive what the king's aim could be in this extraordinary accuſation, and what he could expect from it, conſidering the numberleſs difficulties which preſented themſelves, and which it was hardly poſſible not to foreſee.

In the firſt place, the king demanded juſtice of the lords againſt five members of the houſe of commons, the parliament ſitting, which was a very manifeſt irregularity, ſince the peers were not the proper judges of the members of the lower houſe, whilſt the parliament was aſſembled, without the conſent of that houſe, which the king could not be ignorant

rant of; consequently they had no power to commit the five members. Why then was it desired? Charles I 1641-2.

Secondly, in this accusation the king attacked five members of the commons, who were the leading men in that house. How, therefore, could he expect, in such junctures, that the commons would deliver up their leaders on pretence of a general accusation, which descended not to any particulars?

Thirdly, the king in accusing these five members, properly accused the whole house of treason, as it was easy to perceive by the bare reading of the articles.

Lastly, how could he expect that the parliament, who had presented the Scots with three hundred thousand pounds, as a reward for their brotherly assistance, would consider as high treason, the inviting them into the kingdom, supposing he had been able to prove his assertion?

All this shows, the king had been very ill-advised when he undertook this affair at such a juncture. Accordingly there is not a single historian, even among those that are most devoted to him, but what owns at least, it was a most imprudent and unseasonable step.

After the reading of the articles of accusation, the lord Kimbolton stood up and prayed, that as he had a public charge, he might have a public clearing. But the peers proceeded not so hastily as the king expected. The first thing they did, was to appoint a committee to examine the regularity of the accusation, and to search the records, whether there ever had been any such proceeding before, and whether an accusation against a peer might be brought into their house by the attorney-general. As to the accusation against the five commoners, they did not so much as take it into consideration, whether they should receive it, but contented themselves with acquainting that house, that some of their members were accused of high-treason by the attorney-general. The peers examine the regularity of the king's proceeding. Rushworth, iv. p. 474. Nalson, t. ii. p. 812.

At the same time the commons were informed, that several persons [u] were at Mr. Hollis's and Mr. Pym's, sealing up their trunks, doors, and papers. The same thing was done in the houses of the three other parties accused. Whereupon the commons ordered their serjeant to break open the seals, and apprehend those that put them on. Moreover they passed an order, "that if any persons whatever should come to "the lodgings of any member of the house, and there offer The papers, &c. of the parties accused are sealed up by the king. The commons take off the seals. Order of the commons. Nalson, tom. ii. p. 813.

[u] Sir William Flemming, sir William Killigrew, and other gentlemen. Rushworth, tom. iv. p. 496.

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"to ſeal the doors, trunks, or papers, that then ſuch member ſhould require the aſſiſtance of the conſtable to keep "ſuch perſons in ſafe cuſtody, till the houſe ſhould give "further order. That if any perſon ſhould offer to arreſt "or detain any member, without firſt acquainting the houſe "therewith, it was lawful for ſuch member to ſtand upon "his guard of defence, and for any perſon to aſſiſt him, ac- "cording to the proteſtation taken to defend the privileges of "parliament."

Rushworth, iv. p. 444, 476.

Conference between the two houſes. Nalſon, ibid.

Preſently after, the commons repreſented to the lords in a conference, that the king had ordered the trunks, chambers, and ſtudies of ſeveral of their members to be ſealed up, and had ſet a guard in a warlike manner at Whitehall. And therefore they deſired, that ſuch a guard might be placed about the parliament alſo as ſhould be approved by both houſes, or elſe to join with them to adjourn to a place of ſafety. During this conference, a ſerjeant at arms came to the houſe of commons from the king, and required the five members, accuſed by his majeſty. The ſerjeant being ordered to withdraw, the commons appointed ſome of their members * to wait upon the king and acquaint him, "that his meſſage was "a matter of great conſequence, that it concerns the privi- "lege of parliament, and of all the commons of England: "that they will take it into conſideration, and attend his "majeſty with an anſwer, with as much ſpeed as the great- "neſs of the buſineſs will permit: and in the mean time the "five members ſhall be ready to anſwer any legal charge "made againſt them." Then they diſmiſſed the ſerjeant who had brought the meſſage. At the ſame time they enjoined the five members to give their daily attendance on the houſe.

The king ſends and demands the five members. Ibid. Rushworth, iv. p. 475. Clarendon. t. i. p. 281.

The parties accuſed are ordered to attend daily on the houſe.

Reſolution of the peers agreeable to the commons requeſt. Rushworth, iv. p. 475.

Mean while, the peers had made an order, to open the doors and trunks of the members of both houſes which were ſealed, and reſolved to join with the commons in a petition to the king, for ſuch a guard as both houſes ſhould approve of. They had ordered moreover, that two of their body, with ſome members of the commons, ſhould go and repreſent to the king, that the privileges of parliament had been violated.

Report of the king's anſwer. P. 476.

The next morning, January the 4th, the lord Falkland reported the king's anſwer to the meſſage of the commons concerning the breach of privilege. He ſaid, the king aſked

* The lord Falkland, ſir John Colepepper, ſir Philip Stapleton, and ſir John Hotham. Rushworth, tom. 4. p. 475.

him,

him, whether the houſe did expect an anſwer? and before the lord Falkland replied, told him, he would ſend an anſwer to-morrow as ſoon as the houſe, was ſet. In the mean time he bid him acquaint the houſe, that the ſerjeant had done nothing but what he had directions from himſelf to do. Charles I. 1641-2.

Preſently after this report, the commons ſent and deſired a conference with the lords, to acquaint them, that there was a ſcandalous paper publiſhed, containing articles of high treaſon againſt the lord Kimbolton, &c. and to deſire that they would concur in puniſhing the authors and publiſhers thereof. Demand of the commons to the lords. Ibid.

Then the gentlemen of the inns of court, who offered themſelves to be a guard to his majeſty, were ſent to and examined, upon a rumour that they were bid to be ready the 4th of January. Thoſe of Lincoln's-Inn anſwered, "That "laſt week they went to Whitehall to offer their ſervice to "the king, upon hearing that his perſon was in danger. "That yeſter-night, they had received a meſſage from his "majeſty by ſir William Killigrew and ſir William Flem-"ming, that they ſhould keep within to-morrow, and be "ready at an hour's warning if the king ſhould have occa-"ſion to uſe them. That they brought to them likewiſe a "paper of articles of accuſation againſt the lord Kimbolton "and five members of the houſe of commons. That they "had only an intent to defend the king's perſon, and would "do their utmoſt alſo to defend the parliament; being not "able to make any diſtinction between the king and his par-"liament." The gentlemen of the other inns anſwered to the ſame effect [y]. The gentlemen of the inns of court examined. Id. p. 476. Nalſon, t. ii. p. 816, 817.

In the afternoon the five accuſed members came into the houſe according as they were enjoined. They were no ſooner in their places, but one captain Langriſh informed the houſe, that the king was coming with a guard of military men, commanders and ſoldiers [z]. As there was room to believe, The king himſelf goes to the houſe of commons. Id. p. 477.

[y] Only thoſe of the Middle-Temple ſent their anſwer in writing, in which they ſaid, "That their intention to "defend the king's perſon, was no "more than they were bound unto by "the oath of allegiance." Ruſhworth, tom. 4. p. 477.

[z] A certain member had alſo private intimation from the countess of Carliſle, relict of James Hay earl of Carliſle, and ſiſter to the earl of Northumberland, that endeavours would be uſed this day to apprehend the five members, Ruſhworth, tom. 4. p. 477. Manley, p. 33. The lord Clarendon, ſays, it was generally believed, that the king's purpoſe of going to the houſe, was communicated to William Murray of the bed-chamber, by the lord Digby, and that it was diſcovered by the ſaid Murray. Tom. 1. p. 282.——According to Whitelock, it was ſuppoſed, that the papiſts, by the means and influence of the queen, perſuaded the king to this raſh action. p. 52.

the

Charles I. 1641-42. the king intended to ſeize the five members, they were immediately ordered to depart the houſe. They were hardly gone out when the king appeared, and going up to the chair he ſaid, "By your leave, Mr. ſpeaker, I muſt borrow your "chair a little." When he was in the chair he looked round to ſee if he could diſcern any of the five members, and then made the following ſpeech to the houſe, his guard waiting at the door.

"Gentlemen,

The king's ſpeech to the houſe of commons. Ruſhworth, iv. p. 477. Nalſon, t. ii. p. 820.

"I Am ſorry for this occaſion of coming unto you: yeſterday I ſent a ſerjeant at arms upon a very important occaſion, to apprehend ſome that by my command were accuſed of high-treaſon; whereunto I did expect obedience, and not a meſſage. And I muſt declare unto you here, that albeit no king that ever was in England, ſhall be more careful of your privileges, to maintain them to the uttermoſt of his power, then I ſhall be; yet you muſt know, that in caſes of treaſon, no perſon hath a privilege. And therefore I am come to know if any of theſe perſons that were accuſed are here: for I muſt tell you, gentlemen, that ſo long as theſe perſons that I have accuſed (for no ſlight crime, but for treaſon) are here, I cannot expect that this houſe will be in the right way that I do heartily wiſh it: therefore I am come to tell you, that I muſt have them whereſoever I find them. Well, ſince I ſee all the birds are flown, I do expect from you, that you ſhall ſend them unto me, as ſoon as they return hither. But I aſſure you, on the word of a king, I never did intend any force, but I ſhall proceed againſt them in a legal and fair way, for I never meant any other.

"And now ſince I ſee I cannot do what I came for, I think this no unfit occaſion to repeat what I have ſaid formerly, that whatſoever I have done in favour, and to the good of my ſubjects, I do mean to maintain it.

"I will trouble you no more, but tell you I do expect as ſoon as they come to the houſe, you will ſend them to me; otherwiſe I muſt take my own courſe to find them.

The houſe adjourns. Ruſhworth, iv. p. 478.

The king was no ſooner gone, but many members cried out aloud, ſo as he might hear them, "privilege! privilege!" and forthwith the houſe adjourned till the next day at one o'clock.

Vote that the king had violated the privilege of parliament.

The commons aſſembling on the morrow, the 5th of January, at the appointed hour, immediately voted, that the king

king had violated the privileges of the houſe, and that they could not ſit any longer there without a full vindication of ſo high a breach, and a guard for the ſafety of their perſons. Then it was reſolved to adjourn till the 11th of the ſame month, and a committee of twenty four was appointed, during the adjournment to ſit at Guildhall, and to conſider of all things concerning the good and ſafety of the city and kingdom, and particularly how their privileges might be vindicated, and their perſons ſecured[a]. The committee for the Iriſh affairs was ordered likewiſe to ſit at the ſame place during the adjournment. That done, a meſſage was ſent to the lords, to acquaint them with what had paſſed the day before, with their adjournment and committee appointed to ſit at Guild-hall.

Charles I. 1641-2.

The commons appoint a committee to ſit at Guild-hall. Ruſhworth. iv. p. 479. Nalſon. t. ii. p. 822, 823. Clarendon, t. i. p. 284.

The ſame day the king, having ordered the lord-mayor to aſſemble the common-council, came to Guild-hall. As he paſſed along the ſtreets, he had the mortification to hear people cry, "privileges of parliament! privileges of parliament!" Nay, one Henry Walker an ironmonger and pamphleteer, was ſo inſolent as to throw into his coach a paper, wherein was written, "To your tents, O Iſrael." His majeſty being come to Guild-hall, made the following ſpeech to the common-council.

The king goes to the common-council of London. Ibid. Clarendon, t. i. p. 283.

"Gentlemen,

"I Am come to demand ſuch perſons as I have already accuſed of high-treaſon, and to believe are ſhrowded in the city. I hope no good man will keep them from me; their offences are treaſon, and miſdemeanours of an high nature. I deſire your loving aſſiſtance herein, that they may be brought to a legal trial.

The king's ſpeech to the common council. Ruſhworth. iv. p. 479.

"And whereas there are divers ſuſpicions raiſed, that I am a favourer of the popiſh religion; I do profeſs, in the name of a king, that I did and ever will, and that to the utmoſt of my power, be a proſecutor of all ſuch as ſhall any ways oppoſe the laws and ſtatutes of this kingdom, eitheir papiſts or ſeparatiſts; and not only ſo, but I will maintain and defend that true proteſtant religion which my father did profeſs, and I will continue in it during my life."

The king ſeems to have forgot the ſituation of his affairs, and to imagine he was ſtill in the ſame ſtate as before the

Remark on this ſpeech.

[a] Beſides the twenty-four, all that would come were to have voices at this committee. Ruſhworth, tom. 4. p. 479.

war

Charles I. 1641-2.

war with Scotland. Certainly he could not be ignorant that the city of London was not very well affected to him, nor had reaſon to be ſo. He believed however they would eſpouſe his cauſe againſt the parliament, and deliver up the five members, of which there was not the leaſt probability. On the other hand, he could be ſtill leſs ignorant, that it was chiefly in London that the preſbyterians were numerous and powerful, and yet he affected to ſay, he would maintain and defend the proteſtant religion which the king his father had profeſſed, and proſecute to the utmoſt of his power as well ſeparatiſts as papiſts. I own I cannot ſee the neceſſity or uſe of ſuch a declaration, before the common-council of a city much more inclined to preſbyterianiſm than to the church of England, as it manifeſtly appeared ſhortly after.

The committee is very buſy. Jan. 6, 7, 8, 9. Ruſhworth, iv. p. 480. Clarendon, t. i. p. 285.

Mean while, the committee which ſat at Guild-hall, were diligently taking informations of what paſſed the 4th of January, and preparing matters for their report to the houſe againſt their meeting. The committee was informed, that ſir John Byron, who was made lieutenant of the Tower in the room of Lunsford, had ſent to Whitehall one hundred arms and two barrels of powder. Ruſhworth, who relates this particular, affirms that the matter being farther inquired into, was found to be true. But I cannot tell whether we may give entire credit to his teſtimony, though what he ſays is not improbable.

Petition of the city of London. Ruſhworth, iv. p. 480. Nalſon, t. ii. p. 481.

On the 7th the city of London, preſented a petition to the king, which plainly ſhowed they were more inclined to the parliament than to him. "They repreſented their great "fears and diſtractions, by reaſon of the progreſs of the "rebels in Ireland, fomented by the papiſts in England and "their adherents: the want of aid to ſuppreſs them, and the "intimations received from abroad and at home, of a deſign "to extirpate the proteſtants: The putting out perſons of "honour and truſt from being conſtable and lieutenant of the "Tower: the preparations there lately made: the fortifying "of Whitehall in an unuſual manner: the endeavours uſed "to the inns of court: the calling divers cannoneers into the "Tower: the diſcovery of divers fireworks in the hands of "a papiſt: the miſunderſtanding betwixt his majeſty and "parliament, by reaſon of miſinformation: his majeſty's late "going to the houſe of commons, attended with a great "multitude of armed men, beſides his ordinary guard, for "the apprehending of divers members, contrary to the pri-"vileges of parliament."

This

This petition was very capable to ſhow the king, how much he was miſtaken in his opinion, that the city of London was well diſpoſed in his favour. He returned however a very mild anſwer to each of the articles, to this effect. Charles I. 1641-2.

" That as for the buſineſs of Ireland, there was nothing " on his part unoffered or undone; and he hoped, by the " ſpeedy advice and aſſiſtance of his parliament, that great " and neceſſary work would be put in a ſure forwardneſs, to " which he would contribute all his power. The king's anſwer. Ruſhworth, iv. p. 481.

" For the Tower; he wondred, that having removed a " ſervant of good truſt and reputation from that charge, only " to ſatisfy the fears of the city, and put in another of un- " queſtionable reputation and known ability, the petitioners " ſhould ſtill entertain thoſe fears: and whatever prepara- " tions were there made, it was with as great an eye of ſafety " and advantage to the city as to his own perſon.

" For the fortifying of Whitehall with men and munition; " he doubted not, but the petitioners had obſerved the ſtrange " provocation he had received to entertain that guard; and if " any citizens were wounded or ill treated, he was confi- " dently aſſured, that it happened by their own evil and " corrupt demeanours.

" That he knew no other endeavours to the inns of court " than a gracious intention; that he received the tender of " their loyal and dutiful affections, with very good approba- " tion and acceptance, and an encouragement given them to " continue the ſame upon all occaſions.

" For his going to the houſe of commons; he was verily " perſuaded, that if the petitioners knew the clear grounds " upon which thoſe perſons ſtood accuſed of high-treaſon, " they would believe his going thither was an act of grace " and favour to that houſe, and the moſt peaceable way of " having that neceſſary ſervice, for the apprehenſion of thoſe " perſons, performed; eſpecially, if ſuch orders had been " made, which he was not willing to believe, for the re- " ſiſtance of all lawful authority as were diſcourſed of. And " for the proceedings againſt thoſe perſons, he ever intended " the ſame ſhould be with all juſtice and favour, according " to the laws of the realm. He concluded with theſe words, " and this extraordinary way of ſatisfying a petition of ſo " unuſual a nature, his majeſty is confidently perſuaded, will " be thought the greateſt inſtance can be given of his ma- " jeſty's clear intentions to his ſubjects, and of the ſingular " eſtimation he hath of the good affections of this city,

" which

Charles I. 1641-2.

"which he believes in gratitude will never be wanting to "his juſt commands and ſervice."

On the morrow, the 8th of January, the king publiſhed a proclamation, commanding all magiſtrates and officers of juſtice, to apprehend the accuſed members and carry them to the Tower.

Jan. 8. Proclamation to apprehend the five members.

Whilſt the committee was aſſembled at Guild-hall, they took the information of two witneſſes, who depoſed, that they heard captain Hide ſay things, which ſhowed, he had ſome ill deſign againſt the houſe of commons.

Ruſhworth. iv. p. 482.

Then it was reſolved, that the ſheriffs of London and Middleſex ſhould raiſe the "poſſe comitatus" for their ſafe coming to Weſtminſter, the day the parliament ſhould meet. Whereupon the watermen [b] came and tendered their ſervice, to guard the committee by water to the parliament-houſe, which was accepted of. But the offer of the apprentices to accompany them by land was refuſed.

Reſolution of the committee. Id. p. 481.

Mean while, the committee of twenty four having appointed a ſub-committee to examine the affairs in queſtion, they made their report, January the 10th, of what reſolution had been taken; namely,

Reſolutions of the committee. Ruſhworth. iv. p. 483.

That the publiſhing ſeveral articles of high-treaſon againſt the lord Kimbolton, and the five members of the houſe of commons, was a high breach of the privileges of parliament, a ſeditious act, tending to the ſubverſion of the peace of the kingdom.

That the privileges of parliament, ſo violated and broken, could not be fully and ſufficiently vindicated, unleſs his majeſty would be pleaſed to diſcover the names of thoſe perſons who adviſed him to ſeal the chambers and ſtudies of the accuſed members; to ſend a ſerjeant at arms to the houſe of commons to demand them; to iſſue warrants under his own hand to apprehend them; to come in perſon to the houſe; to publiſh the articles of accuſation in the form of a proclamation, to the end ſuch pernicious counſellors might receive condign puniſhment.

The committee of twenty-four reſolving to return on the morrow to the parliament with a numerous guard, the king thought not proper to be expoſed to the danger of receiving ſome affront from the populace; and therefore choſe to withdraw to Hampton court, and two days after to Windſor.

The king retires from London. Ruſhworth, iv. p. 484.

January the 11th, the commons being aſſembled at Weſtminſter, the committee of twenty-four came thither by water,

The committee return to the houſe. Ibid.

[b] Ruſhworth ſays, it was divers petition, ſigned by a thouſand hands, mariners and ſea[illegible] Id. p. 481.

con-

conducted by great numbers of ſeamen and others, whilſt the trained bands of London marched through the city in arms, to guard them alſo by land. Charles I. 1641-2.

Then it was that the king found he had taken wrong meaſures, and that his imprudent proceedings could not but grieve him, and ruin his affairs. He repented of what he had done, and wiſhed he could appeaſe the diſorder raiſed by himſelf. To this end, the next day, January the 12th, he ſent the following meſſage to both houſes: The king repents of his proceedings. The king's meſſage to both houſes, Ruſhworth, iv. p. 484. Nalſon, t. ii. p. 488. he deſiſts from his method of proceeding.

"His majeſty taking notice, that ſome conceive it diſputable, whether his proceedings againſt the lord Kimbolton, Mr. Hollis, ſir Arthur Haſlering, Mr. Pym, Mr. Hampden, Mr. Strode, be legal and agreeable to the privileges of parliament; and being very deſirous to give ſatisfaction to all men, in all matters that may ſeem to have relation to privilege, is pleaſed to wave his former proceedings, and all doubts by this means being ſettled, when the minds of men are compoſed, his majeſty will proceed thereupon in an unqueſtionable way, and aſſures his parliament, that upon all occaſions he will be as careful of their privileges, as of his life or his crown."

Had there not been a ſettled deſign againſt the king, this meſſage would have been capable to pacify all, ſince he plainly ſhowed, he repented of what he had done, and in ſome meaſure confeſſed his fault. But he had given his enemies too great an advantage for them to neglect to improve it. I have obſerved, there were many members in both houſes not yet determined to join with thoſe who ſought only to throw all into diſorder and confuſion. Some began to diſcover the deſigns of the preſbyterians: others had ſcruples, which they could not overcome, when they conſidered, that the deſtruction of the kingdom would be endangered by a bare diſtruſt which could not be well grounded. But their doubts were changed into certainty, after what the king had lately done. Before the accuſation of the ſix members, it was doubtful, whether the king intended to be revenged of thoſe who had offended him; but this accuſation rendered that intention very probable. It was doubtful whether his condeſcenſion for the parliament was conſtrained: but this accuſation diſcovered, that he believed himſelf deprived of part of his lawful authority, and conſidered what the parliament had done with reſpect to himſelf, as high-treaſon. For if the depriving him of part of his authority was treaſon, thoſe who had voted for triennial parliaments, and the continuance of this, could not be innocent. If the endeavouring to render the king odious to his Conſiderations on the imprudent accuſation of the five members in reſpect to the time.

Charles I. 1641-2. his people was treaſon, certainly the ſix members were not alone guilty. If the inviting the Scotch army into England was treaſon, how could the houſe of commons clear themſelves after having rewarded the Scots for their invaſion, with a preſent of three hundred thouſand pounds? If it was treaſon to endeavour to ſubvert the rights, and the very being of parliaments, both houſes were guilty of this crime, when they aſſumed by an act the power of not being diſſolved or prorogued without their own conſent, ſince this was altering the nature of parliaments. If raiſing tumults was treaſon, the countenancing and encouraging theſe ſame tumults was no leſs ſo, and of this the whole houſe of commons was guilty. In ſhort, the charge againſt theſe particular members for conſpiring to levy, and for actually levying, war againſt the king, neceſſarily aimed at the whole houſe, who had countenanced the tumultuous aſſemblies, ſet themſelves a guard, and provided themſelves with arms.

Theſe things put thoſe upon conſidering, who till then had preſerved ſome good-will for the king, and entertained equitable thoughts of him. They plainly ſaw what judgment the king made of the parliament's actions, though he attacked but ſix members. The ſhallow artifice of throwing upon a few the fault of the whole houſe, had been proper with regard to former parliaments, whilſt the king was maſter: but it was ineffectual with the preſent parliament, and at ſuch a juncture. After the redreſs of paſt grievances, the point was to know, whether the king's word was to be relied on, and he reſtored to his natural ſtate. Many were of this ſentiment, as they could not imagine, that after what had paſſed in this parliament, the king would endeavour to govern for the future as he had done before. They could not reſolve, from a bare motive of fear and diſtruſt, to alter the conſtitution of the government by abridging the king's power. Others maintained, that the king's condeſcenſion was all diſſimulation, and his word not to be relied on. Theſe men, to bring the reſt to their opinion, were forced to uſe various artifices to aggravate and miſinterpret the king's actions, and nevertheleſs were not yet able to compaſs their ends. But by the accuſation of the ſix members, the king himſelf ſupplied them with arguments, which were not eaſy to anſwer. They had no more occaſion to uſe ſigns and conjectures to prove what they advanced, ſince the king gave them himſelf ſuch evident proofs. So it may be ſaid, the king never followed more pernicious advice, than that lately given him. If the lord Digby, as it is ſaid, was his counſellor, it may be affirmed, that he threw

him into a precipice, from whence it was not poſſible ever to extricate himſelf. Charles I. 1641-2.

From that time, the queſtion was not to know, whether it was neceſſary to limit the regal power, but to know within what bounds it ſhould be confined; they who had hitherto been moſt moderate, having entirely loſt their doubts concerning the king's ſincerity. So the party which was moſt oppoſite to him, being grown very ſuperior in both houſes, and meeting with little oppoſition, they who wiſhed to do the king ſervice, thought it ſafeſt, either to abſent themſelves from the parliament, or to keep ſilence, in the expectation of an opportunity to ſerve him effectually, if affairs ſhould take a new turn, and thereby the oppoſite party became ſtill more powerful.

It is therefore evident, that in the preſent diſpoſition of the parliament, the king's laſt meſſage was not a ſufficient means to oblige his enemies to alter their meaſures: eſpecially, as by this meſſage he did not deſiſt from the accuſation, but only from the manner of proceeding, though it was eaſy to perceive, he took this method only to come off with the leſs diſhonour. Accordingly, the commons did not much regard it. The 17th of *January*, they came to the like reſolutions with thoſe taken by the committee in London, and digeſted them into a declaration. They only added the depoſitions of ſome witneſſes concerning the number of armed men, who attended the king when he came to the houſe, and who, according to theſe depoſitions, were about five hundred; concerning the inſolent behaviour of ſome of the officers who accompanied his majeſty; and the words they uſed at the door of the houſe, which ſeemed to denote, that they waited only for a ſignal to fall upon the members [c]. There is no queſtion, all theſe things were highly aggravated: but theſe aggravations were ſubſervient to the end propoſed by the commons. They declared, however, "That they meant not to ſcreen their "members, when accuſed of treaſon or miſdemeanour, and "proſecuted according to law and the privileges of parliament: on the contrary, they ſhould be always ready to "bring them to a ſpeedy and due trial; being ſenſible, that "it equally imported them, as well to ſee juſtice done againſt "criminals, as to defend the juſt rights and liberties of the "ſubjects and parliament of England."

Declaration of the commons. Ruſhworth, p. 484. Clarendon, t. i. p. 286, 294.

[c] Whitelock ſays, the king came guarded with the penſioners, and followed by about two hundred of his courtiers and ſoldiers of fortune, moſt of them armed with ſwords and piſtols. p. 50.

Charles I. 1641-2.

Before this declaration was published, the king had sent the following message to both houses, which showed how desirous he was of giving them content, and ending this unfortunate affair:

The king's second message to the parliament. Jan. 14. Rushworth, iv. p. 483. Nalson, t. ii. p. 858.

"His majesty being no less tender of the privileges of parliament, and thinking himself no less concerned that they be not broken, and that they be asserted and vindicated whensoever they are so, then the parliament itself hath thought fit to add to his last message this profession; that in all his proceedings against the lord Kimbolton, and the rest of the accused members, he had never the least intention of violating the least privilege of parliament: and in case any doubt of breach of privilege remains, will be willing to clear that, and assert those by any reasonable way that his parliament shall advise him to; upon confidence of which, he no ways doubts his parliament will forthwith lay by all jealousies, and apply themselves to the public and pressing affairs, and especially to those of Ireland, wherein the good of this kingdom and the true religion (which shall ever be his majesty's first care) are so highly and so nearly concerned. And his majesty assures himself, that his care of the privileges will encrease their tenderness of his lawful prerogative, which are so necessary to the mutual defence of each other; and both which will be the foundation of a perpetual perfect intelligence between his majesty and parliament, and of the happiness and prosperity of his people."

The commons impeach the attorney-general. Rushworth, iv. p. 488, 489. Nalson, t. ii. p. 850, 873.

This message (for the reason before given) was not capable of satisfying the commons. On the contrary, the next day they caused sir Edward Herbert, the attorney-general, to be examined at the bar of the house of lords. His answers being sent to the commons, they ordered him to be accused of several high crimes and misdemeanours, that is to say, of having violated the privileges of parliament, in exhibiting to the house of lords the articles he received from the king's own hand, with an express command to exhibit them.

Petition that the king would show what proof there was against the six members. Jan. 21. The king's answer. Rushworth, iv. p. 491. Jan. 24.

Two days after, both houses petitioned his majesty, that they might be informed what proof there was against the six members, to the end they might speedily be proceeded against in a parliamentary way. The king answered, "he thought it unusual or unfit to discover what proof was against them, before he was certain of the way he was to proceed, lest a new mistake should breed more delays. That it should therefore be resolved, whether his majesty was bound in respect of privilege, to proceed against them by impeachment in

" in parliament; or whether he was at liberty to prefer an indictment at common law, in the uſual way, or have his choice of either." Charles I. 1641-2.

This anſwer could not but embarraſs the two houſes, ſince the king was willing to follow their directions in the proſecution of the ſix members. Accordingly, they thought not proper to reſolve upon either of the ways propoſed by the king. They contented themſelves with replying in a ſecond petition, " that finding there was ſtill no legal and parliamentary proceedings againſt the accuſed members, they thought it their " duty, once more to beſeech his majeſty, to inform the parliament what proof there was againſt them, that they might " be called to a legal trial, it being the undoubted right and " privilege of parliament, " that no member can be proceeded againſt without the conſent of parliament." The parliament inſiſt upon their demand. Feb. 2. Ruſhworth, iv. p. 492.

The king plainly perceiving there would be no end, and that new difficulties would be perpetually ſtarted, endeavoured to terminate the affair at once by the following anſwer.

" That as he once conceived that he had ground enough " to accuſe them, ſo now his majeſty finds as good cauſe " wholly to deſert any proſecution of them. And for a farther " teſtimony of his majeſty's real intention towards all his lov- " ing ſubjects (ſome of whom haply may be involved in ſome " unknowing and unwilling errors) for the better compoſing " and ſettling of all fears and jealouſies of what kind ſoever, " his majeſty is ready to grant as free and general a pardon " for the full contentment of all his loving ſubjects, as ſhall " by the approbation of both houſes of parliament be thought " convenient for that purpoſe." The king's third meſſage. Ruſhworth, iv. p. 492.

It was not difficult to perceive, the king offered this general pardon only to have it ſaid, that the ſix members were exempted from the rigour of the law by virtue of the pardon. But the parliament not being ſatisfied with the king's offer, addreſſed a third petition to him, deſiring, that, according to two acts of the 37th and 38th years of the reign of Edward III. [d], his majeſty would be pleaſed to ſend the perſons, at had made ſuggeſtion or information to him of the crimes the ſix members, to the parliament, that ſo the rights and Parliament requires the perſons who adviſed the king. Ruſhworth, iv. p. 402. Feb. 14.

[d] By theſe acts it was enacted, that, " If any perſon whatſoever make ſuggeſtion to the king himſelf of any " crime committed by another, the " ſame perſon ought to be ſent with the " ſuggeſtion before the chancellor or " keeper of the great ſeal, the treaſurer " or the great council, there to find " ſurety to purſue his ſuggeſtion; which " if he cannot prove, he is to be imprioned till he hath ſatisfied the party accuſed of his damages and ſlander, " and made fine and ranſom to the " king." Rapin, by abridging this paragraph too much, had rendered it obſcure.

Charles I. 1641-2. privileges of parliament might be vindicated, which of juſtice ought not to be denied.

Sentence upon the attorney-general. April 23. Id. p. 400.

The king returning no anſwer to this petition, the affair reſted here, except that in April following, the houſe of peers gave ſentence againſt the attorney-general, declaring him uncapable of all offices, but that of attorney-general, and committing him to the priſon of the Fleet during the pleaſure of the houſe.

Though this affair ſeemed to be ended, the king was upbraided with it afterwards a thouſand times. But before I finiſh it entirely, I believe it will not be amiſs to make ſome remarks on this ſubject, that I may not be obliged to reſume it hereafter.

Remarks on the conduct of the commons.

Though the commons made a great noiſe about the breach of their privileges, that was not the thing which moſt incenſed them. Their great grievance was, that the king had choſen, to accuſe of high-treaſon, five members of the houſe, who were the chief leaders and directors. So, to accuſe theſe five members was, as I obſerved, to accuſe the whole houſe. Now if the king did believe the houſe guilty of treaſon, for having done what he accuſed but five members of, what aſſurance could there be, that he would religiouſly obſerve his promiſes, which, in his opinion, were extorted from him by traitors? There was reaſon therefore to ſuſpect, that the king had ſome grand deſign, and before the execution, was willing to ſecure thoſe who were moſt capable to obſtruct it, as well by their abilities as by their great credit in the parliament and with the people. This is the impreſſion made by this unſeaſonable accuſation of the members of the parliament. And to this contributed alſo the king's zeal to ſeize the five members, even to his coming in perſon to the houſe of commons to apprehend them, which no king of England had ever done before him. Nay, very likely, had they been in the houſe, and made any reſiſtance, he would have employed armed men, who attended him to the number of about five hundred, to carry them away. This was ſufficient to incenſe againſt him thoſe who had hitherto conſidered as a doubtful point, whether his promiſes were to be relied on. It could not be conceived, that at a time when the moderate members began to unite in his favour, to eſtabliſh a ſolid peace, he ſhould be induced to an action ſo odious, and ſo deſtructive of it, had he not intended to ſubdue the parliament by force. Thus the complaints of both houſes about the breach of their privileges, was properly only a pretence to cover the true reaſon of their fears. As this reaſon was not of ſufficient evidence to convince the people,

Clarendon, t. i. p. 284.

people, who could regard it but as a bare ſuſpicion, they in Charles I.
ſiſted only upon their privileges, till they ſhould engage the 1641-2.
king to declare himſelf more openly. Their real aim was ——
therefore to oblige the king to take ſome new ſtep, that might ſhow the people, it was not without cauſe that the king was accuſed of having ill deſigns. This certainly was the motive of the parliament's petition, to be informed of the proofs before the way of proceeding ſhould be reſolved. This was a ſnare laid for the king, to engage him to produce proofs of a crime, whereof the whole parliament was no leſs guilty than the members accuſed, and thereby the people would have been convinced, that he aimed at the parliament itſelf. But the king avoided the ſnare, by dropping the proſecution rather than be obliged to produce proofs, which muſt have been prejudicial to him, after miſſing his aim. It was not the breach of privilege, but the king's ſecret intention, that was chiefly in queſtion. By his late proceedings he had given occaſion to think, that a rupture between him and the parliament was not very remote, ſince he had deſtroyed the confidence, on which alone peace and a good underſtanding could be founded. In this light muſt the accuſation of the ſix members be viewed, and not as a ſeparate fact relating only to the privileges of parliament.

It is therefore very needleſs, in my opinion, that ſome have undertaken to diſcuſs this queſtion, whether the two houſes could lawfully refuſe ſending to priſon their members accuſed of high-treaſon? However, I ſhall briefly ſpeak to this point for the reader's information.

It is certain, the privileges of parliament do not extend to crimes of high-treaſon, and in ſuch caſes the commons have no more right than the peers. But it is alſo an undoubted maxim, that no member can be proceeded againſt without the conſent of his houſe. When a peer is accuſed, it belongs to the houſe of lords to examine, whether the proſecution ought to be conſented to, and in caſe of conſent, whether the party accuſed is to be confined or left free to anſwer the accuſation. The lords are determined to one or other, by the nature or circumſtances of the crime. It is the ſame with reſpect to the members of the lower-houſe. In the preſent caſe, the commons thought there was no reaſon to ſend the members accuſed to priſon, becauſe the accuſation was too general. The king pretended, on the contrary, that upon a bare accuſation, under colour that it was for high-treaſon, he had power to apprehend the accuſed, without the conſent of their houſe, and to commit them to the Tower.

Charles I. 1641-2.

It is easy to perceive, the king carried this principle a little too far, that the privileges of parliament take not place in cases of high-treason, since he extended it to a bare accusation of treason. But a bare accusation cannot deprive the houses of parliament of the right to examine, if there be reason to consent to the prosecution, whether by direct proof, probable signs, or public evidence. Otherwise, the king might have pitched upon not only five, but a hundred members of the lower-house, and sent them to prison, upon the bare accusation of treason, which would render the privileges of parliament entirely useless. Nevertheless the king acted as if his right had been undeniable, though that was at least the point in question. I shall not undertake to illustrate this matter any farther, which has difficulties, the solution whereof depends on the knowledge of the laws and customs of England. I shall only add, that the king did himself a very great injury by this unseasonable step, and that his enemies received it by advantages, which in the end occasioned his ruin.

The commons very much mistrust the king's sincerity.

Whilst the affair of the accused members was in hand, the commons continued to express an extreme distrust of the king. This distrust daily increased, till at last it produced an entire rupture.

[illegible] t. i. p. 544, &c. Rushworth, iv. p. 495.

January the 12th, the commons sent an order to sir John Byron, lieutenant of the Tower, to come and answer to such questions as should be put to him, concerning the arms and ammunition sent to Whitehall, the day the king came to the house of commons. But he excused himself, for that he had the king's express warrant not to go out of the Tower.

Commons appoint themselves a guard. Rushworth, iv. p. 495. Nalson, t. ii. p. 835.

The king had answered the petition of both houses concerning a guard, that he would appoint one or two hundred men out of the trained-bands of the city (such as the lord-mayor should be answerable for to him) under the command of Robert Bertie, earl of Lindsey. But the commons refused the offer, and ordered, that two companies of the trained-bands should every day attend upon the house as a guard, under the command of serjeant major Skippon.

Assembly of officers at Kingston. Jan. 12. Nalson, t. i. p. 845, 846, 862, &c. Rushworth, iv. p. 495. Clarendon, t. i. p. 301.

The parliament's distrust of the king was daily inflamed by successive accidents, which the king's enemies knew how to improve. Whilst things were in this state, the parliament received information, that the lord Digby, colonel Lunsford, and other disbanded officers, were at Kingston upon Thames, with about two hundred horse. Whereupon it was ordered by both houses, that the sheriffs, calling to their assistance the trained-bands of the several counties of England and Wales, should suppress a [illegible] assemblies gathered together to the

the diſturbance of the peace of the kingdom. They were afraid, the king intended to ſecure Portſmouth, and perhaps, their fears were not groundleſs. However that be, they ſent an order to colonel Goring, governor of Portſmouth, requiring him not to deliver up the town, nor receive any forces into it, but by his majeſty's authority, ſignified by both houſes of parliament. At the ſame time the lords ſent an expreſs order to the lord Digby, to give his attendance in the houſe: but he thought fit to withdraw out of the kingdom [e]. There had now been information, that he was the perſon who adviſed the king to accuſe the ſix members of parliament: beſides, the commons were exaſperated againſt him, on account of his ſpeech againſt the bill of attainder of the earl of Strafford, whilſt he was a member of that houſe; ſo that the leaſt pretence was ſufficient to draw their reſentment upon him. Charles I. 1641-2.

The lord Digby goes out of the kingdom.

The commons made great noiſe about the Kingſton affair, to perſuade the people his majeſty intended to ſecure Portſmouth: nay, they cauſed ſeveral witneſſes to be examined; but the affair was carried no farther. They were contented with ſending for admiral Pennington, who reported that the lord Digby had ſhown him a warrant, under the king's own hand, to convey him ſafely into France or Holland, and that he durſt not diſobey the order. Ruſhworth, tom. iv. p. 502, 503.

The parliament's fears about Portſmouth made them think of Hull, a very important place in the county of York. The commons, inſtead of concealing, affected rather to diſcover their fears. Wherefore they ſent a meſſage to the lords, that there was at Hull a magazine of arms for ſixteen thouſand men, and ammunition proportionable: that the town being weakly garriſoned, and the adjacent country full of papiſts and diſaffected perſons, they deſired their concurrence in an order, that ſome of the trained bands of Yorkſhire ſhould be put into Hull, under the command of ſir John Hotham, member of the houſe of commons, with orders not to deliver up the place or magazine without the king's authority ſignified by both houſes. To this the lords readily conſenting, young Hotham, ſon to ſir John, was ſent immediately to Hull to execute the order, till his father ſhould be ready to take the government of that place.

The commons ſend Hotham to ſecure Hull. Jan. 1. Ruſhworth, tom. iv. p. 496. Nalſon, tom. ii. p. 833. Clarendon, tom. i. p. 301.

Nothing ſhows more clearly the parliament's diſtruſt than this order about Hull, ſince it could not be but upon the ſup-

[e] And ſir Thomas Lunsford was committed to the Tower. Whitelock, p. 51.

Charles I. 1641-2.

position of an urgent neceſſity that they could pretend to place governors in the towns; and it was alſo this neceſſity that they deſired to inſinuate to the people. However, the ſequel ſhowed the parliament had reaſon to take that precaution [f].

Bill for the parliament's adjournment to any other place. Ruſhworth, tom. iv. p. 496. Nalſon, tom. ii. p. 834.

Since the accuſation of the ſix members, ſcarce a day had paſſed but the parliament expreſſed their ſuſpicions of the king, ſo that every thing manifeſtly tended to a rupture. The better to perſuade the people that both houſes were apprehenſive of ſome violence from the king, and not ſafe at Weſtminſter, a bill was paſſed to enable them to adjourn to any place they pleaſed.

A guard ſet about the Tower. Ruſhworth, Ibid. Nalſon, tom. ii. p. 844.

They ordered likewiſe the earl of Newport, maſter of the ordnance, and the lieutenant of the Tower, not to ſuffer any cannon or ammunition to be carried from thence. And for the better ſafe-guard of the Tower, the ſheriffs of London and Middleſex were ordered to ſet a ſufficient guard both by land and water about it. The ſame day the commons cauſed ſome great ſaddles to be ſeized, that were to be ſent to Kingſton.

Falſe information given to the houſe. Ib. p. 859, 862. Ruſhworth, tom. iv. p. 497.

Moreover, Mr. Bagſhaw of Windſor, member of the houſe of commons, informed them, that laſt night, as he was going to Windſor (where the king then was) he ſaw divers troops of horſe, and that there came thither a waggon loaded with ammunition, and another waggon loaded with the ſame was ſent from thence to Portſmouth: adding, there were at Windſor four hundred horſe, with about forty officers. Whereupon Skippon was ordered to detach ſome horſemen towards Windſor for intelligence. But in all appearance there was no great diſcovery made, ſince nothing more was ſaid of it.

The lords decline petitioning againſt Byron Jan. 25. Ibid.

After that the commons deſired the lords to join with them in a petition to the king, for the removal of ſir John Byron from the lieutenancy of the Tower, and offered their reaſons. But the lords thought fit to decline it.

The peers forbid Eſſex and Holland to go to the king. Nalſon, ii. p. 836. Ruſhworth, tom. iv. p. 497.

Mean while, the lords being informed by the earl of Eſſex that the king had laid his commands upon him and the earl of Holland, to attend his majeſty at Hampton-court, as lord chamberlain and groom of the ſtole, they would not diſpenſe

[f] A committee was alſo appointed to draw up a letter, or other declaration, to be preſented to the lords, and by both houſes to be publiſhed in print, and ſent into all parts of the kingdom, adviſing them with all expedition to be in a readineſs and good poſture of defence, upon all occaſions, to defend their ſeveral counties from invaſion by papiſts, or other ill-affected perſons. Nalſon, tom. ii. p. 847, 850, etc.

with

with their abſence, alledging that their attendance in parliament about the high affairs of the realm, was truer ſervice to his majeſty, than any they could do him at court. The king ſoon after removed both theſe lords from their places [g]. Charles I. 1641-2.

During theſe differences between the king and the parliament, Ireland remained unaſſiſted. The commons would not pay ten thouſand men, who ſhould be levied by the king's commiſſions. They pretended theſe troops ſhould be raiſed by way of preſſing, in order to chuſe ſuch for ſoldiers as ſhould be leaſt attached to the king, and that the king ſhould not be concerned in the levies. The bill for preſſing had been ſent up to the lords, who had not yet paſſed it, of which the commons complained. At laſt, the Scotch commiſſioners, ſeeing that the differences between the king and the parliament retarded the concluſion of the treaty for which they were ſent, bethought themſelves of offering their mediation to the king and both houſes, to procure an agreement. But the king was offended at their offer, becauſe they had not firſt communicated their intentions to him in private. The two houſes on the contrary thanked them for this mark of their affection.

Differences between the two houſes about the Scotch ſuccours. Ruſhworth, tom. iv. p. 458.

The Scotch commiſſioners offer their mediation. Ibid. Nalſon, ii. p. 874. The king rejects it. Ruſhworth, tom. iv. p. 499. The parliament accepts it. p. 501.

Mean while, the committee for the Iriſh affairs finding that kingdom wanted a ſpeedy aſſiſtance, and that the treaty for the ten thouſand Scots was not likely to be concluded ſoon enough, made a propoſal to the Scotch commiſſioners, that the Scots ſhould ſend into Ireland two thouſand five hundred men who were ready, till the treaty for the ten thouſand ſhould be ended; to which the commiſſioners of Scotland agreed. To that purpoſe they propounded certain conditions, which were approved by both houſes. But the king objected to one of the conditions, which was that Carrickfergus, a ſea-port in the north of Ireland, ſhould be delivered to the Scots. He ſaid it was too great a truſt for auxiliary forces. Nevertheleſs, ſeeing the parliament willing to confide in the Scots, he thought he ſhould not refuſe his confidence to his native ſubjects. It muſt be obſerved, that the king and commons expreſſed an equal deſire to aſſiſt Ireland, but each would have it in their own way. The king wiſhed to have an Engliſh army ſent thither, and blamed the commons for not haſtening the levies. The commons, on their ſide, ſuſpected that

The Scots ſend 2500 men into Ireland. Ibid. Nalſon, tom. ii. p. 859. Ruſhworth, tom. iv. p. 502.

Different aims of the king and parliament with regard to Ireland.

[g] The lord Clarendon ſays, that the earl of Eſſex reſolved to go, and was for that purpoſe making himſelf ready, when the earl of Holland came to him, and privately diſſuaded him; that if they went, they ſhould be both murdered at Hampton-court. Tom. i. p. 89.

the

Charles I. 1641-2. the king's aim was to leave England unprovided of men, arms, and ammunition, and therefore inſiſted upon the treaty of Scotland for ten thouſand men; and charged the king with being the ſole cauſe of the obſtacles to the concluſion of the treaty: nay, they plainly intimated, that though the king ſeemed to preſs the relief of Ireland, he had *no* real intention that kingdom ſhould be relieved. Neceſſity however obliged the king and both houſes to accept at length of the two thouſand five hundred Scots, who were ſent into the north of Ireland, where they did good ſervice.

Remark on the commons diſtruſt.

The commons ceaſed not to ſhow openly their diſtruſt of the king. This was abſolutely neceſſary to the execution of the deſigns of thoſe who had then the chief management of the affairs of the houſe. But it does not follow, becauſe it was neceſſary to make known this diſtruſt, that therefore it was not real. The leading men of this party did not believe indeed they had reaſon to truſt the king, and withal it was their intereſt to ſhow the public the grounds of their diſtruſt. This they did in a ſolemn manner, by means of a ſpeech ſpoken by Mr. Pym at a conference with the lords. This ſpeech deſerves to be inſerted at length, becauſe it ſhows by what ſteps the commons endeavoured to compaſs their ends.

"My lords,

Mr. Pym's ſpeech to the lords. Ruſhworth, tom. iv. p. 503. Clarendon, tom. i. p. 316.

"I Am commanded by the knights, citizens, and burgeſſes, aſſembled for the commons in parliament, to preſent to your lordſhips divers petitions, which they have received from ſeveral parts, concerning the ſtate of the kingdom: whereunto they are chiefly moved by that conſtant affection which they have always expreſſed of maintaining a firm union and good correſpondence with your lordſhips, wherein they have ever found much advantage and contentment; but never held it more important and neceſſary than at this time, wherein the wiſdom and reſolution of parliament have as many great dangers and difficulties to paſs through, as ever heretofore.

"We are united in the public truſt, which is derived from the commonwealth, in the common duty and obligation whereby God doth bind us, to the diſcharge of that truſt; and the commons deſire to impart to your lordſhips whatſoever information or intelligence, whatſoever encouragement or aſſiſtance they have received from thoſe ſeveral counties which they repreſent, that ſo likewiſe we may be

" be united in the ſame intentions and endeavours of improv- Charles I.
" ing all to the ſervice of his majeſty, and the common good 1641-2.
" of the kingdom.

" The petitions which I am directed to communicate to
" your lordſhips, are four; from London, Middleſex, Eſ-
" ſex, and Hertfordſhire. We have received many more,
" but it would take up too much time, and be too great
" a trouble to peruſe all: and in theſe four you may perceive
" the effect and ſenſe of all: firſt, I am to deſire your lord-
" ſhips to hear them read, and then I ſhall purſue my in-
" ſtructions in propounding ſome obſervations out of them."

The petition of the lord mayor and aldermen of London.

" Sheweth,

" THAT the committee of this honourable houſe, upon Ruſhworth,
" Saturday the 22d of this inſtant January, ſent a meſ- tom. iv.
" ſage to the petitioners, for the loan of one hundred thou- p. 504, etc.
" ſand pounds, or of ſo much thereof as could conveniently
" be forthwith raiſed, for levying of forces to ſuppreſs the
" rebels in Ireland: to which meſſage ſomething was then
" anſwered, and a further anſwer in writing promiſed.

" In performance whereof, they humbly preſent the an-
" ſwer following, together with the reaſon thereof, de-
" ſiring that the ſame (being the beſt that for the pre-
" ſent they are able to give) may favourably be accepted."

As this anſwer is very long, and contains ſeveral particulars not abſolutely neceſſary, I ſhall content myſelf with inſerting here what is moſt material.

" That how ſenſible ſoever they were of the great miſe-
" ries of their brethren in Ireland, and of the imminent dan-
" ger, not only of the total loſs of that kingdom, but of the
" ruin of this alſo, if that of Ireland ſhould be loſt; yet they
" are compelled to declare, That they have no power to
" raiſe any ſums by way of tax for any foreign uſe; and that
" they have no means to do it, otherwiſe than by the imme-
" diate perſonal conſent of every particular lender, which
" they cannot hope to obtain, in regard of theſe obſtructions
" following.

" 1. That immediately before the parliament, and ſince,
" divers great ſums, for the ſervice of the king and kingdom,
" have been already lent by the citizens of London, beſides
" 50,000l. for the ſupply of Ireland in particular; a great

" part

Charles I. 1641-2.

" part whereof ſome of the lenders were compelled to bor-
" row, and cannot to this day repay.

" 2. That ſuch part of thoſe moneys as ſhould have
" been repaid out of the poll-money and ſubſidies, is not yet
" done.

" 3. That the ſaid ſum of fifty thouſand pounds, lent for
" Ireland, was haſtened and ſpeedily paid, upon account
" of the urgent neceſſities of that kingdom; and yet no con-
" ſiderable forces are ſent thither to this day.

" 4. The general with-holding of very great ſums of mo-
" ney from the petitioners, and many others, doth render
" divers perſons, of good eſtate and credit, hardly able to go
" on with trade, or to pay their debts, and maintain their
" charge.

" 5. The refuſing to accept the offers of Scotland, to
" ſend ten thouſand men into Ireland, diſcourageth moſt
" men from lending any money, were they never ſo
" able.

" 6. The not paſſing the bill for preſſing of ſoldiers puts
" many men into fears, that there may be ſome deſign there
" to loſe Ireland, and to conſume this kingdom in the loſing
" of Ireland, than to preſerve either the one or the other;
" for that it cannot be conceived, that the rebels (being
" grown ſo powerful) will be ſuppreſſed by volunteers [h].

" The ſlow iſſuing of commiſſions to thoſe, who being
" in Ireland, or going thither, are willing to enter the field
" againſt the rebels, diſables them from doing any effectual
" execution upon the enemy, unleſs in their own defence;
" and ſo all the moneys that have been, or may be ſent
" thither, are exhauſted to maintain our forces, to do little
" or nothing worthy of them, rather than employed to chaſ-
" tiſe the rebels; by means whereof thoſe rebels are ſo much
" emboldened, that they boaſt they will extirpate the Britiſh
" nation there, and then make England the ſeat of war.

" 8. The not diſarming of papiſts here in England, after
" many diſcoveries of their treacheries and bloody deſigns;
" the great decays of fortifications, block-houſes, and other
" ſea-forts; the not managing of them, nor furniſhing them
" with ordnance and ammunition; the not placing all of
" them in ſuch hands, in whom the parliament may confide;
" and the not ſettling this kingdom in a poſture of defence,
" in times of ſo many fears and jealouſies of foreign inva-

[h] They would inſinuate by this, that an army raiſed in the uſual manner by the king's commiſſions, would be very unfit to reduce Ireland, becauſe the king did not with the rebels to be ſubdued. Rapin.

" ſions,

" ſions, and inteſtine conſpiracies; the not removing the pre- Charles I.
" ſent lieutenant of the Tower, and putting ſuch a perſon 1641-2.
" into that place as may be well approved of by the parlia-
" ment, notwithſtanding the earneſt petitions exhibited to
" the houſe of commons for that purpoſe, which hath pro-
" duced a forbearance to bring bullion into the Tower, in
" this time of ſcarcity of monies; all which cannot but over-
" throw trading more and more, and make monies yet more
" ſcarce in the city and kingdom.

" 9. The king's ſhips are not fitted and employed, as
" the preſent condition of this kingdom and Ireland re-
" quires, but ſome of them for conveying away of delin-
" quents [1].

" 10. The not queſtioning thoſe many thouſands of un-
" known perſons, who are ſheltered in Covent-Garden, and
" thereabouts, which do not employ themſelves in any law-
" ful calling, and, it is very probable, lie in a readineſs to
" adventure upon ſome deſperate attempt.

" 11. The miſunderſtanding between the king and the
" parliament; the not vindicating the privileges of parlia-
" ment; the not ſuppreſſing of protections; the not puniſh-
" ing of delinquents; and the not executing of all prieſts and
" jeſuits legally condemned, while others, contrary to pri-
" vilege of parliament, have been charged with treaſon.

" 12. By means of the premiſſes, there is ſuch decay of
" trading, and ſuch ſcarcity of money, as it is likely, in
" very ſhort time, to caſt innumerable multitudes of poor
" artificers into ſuch a depth of poverty and extremity, as
" may enforce them upon ſome dangerous and deſperate at-
" tempts.

" Theſe are the evils under which the petitioners do ex-
" ceedingly labour and languiſh, which they humbly conceive
" to have ſprung from the employing of ill-affected perſons
" in places of truſt and honour in the ſtate, and near to the
" ſacred perſon of his majeſty; and that theſe evils are ſtill
" continued by means of the votes of biſhops and popiſh
" lords in the houſe of peers."

The petitioners of the county of Eſſex thanked the commons for their extraordinary care, repreſenting to them withal, that they were ſtill apprehenſive of a " great ſtop of re- Ruſhworth, tom. iv. p. 506.
" formation in matters of religion," and of the whole kingdom's being in great danger from the papiſts: nor could they

[1] They mean the lord Digby. Rapin.

expect

Charles I. 1641-2. expect any redreſs, unleſs the biſhops and popiſh lords were removed out of the houſe of peers.

Id. p. 507. The petitioners of the county of Hertford prayed, that the papiſts might be fully diſarmed; the kingdom put into a poſture of defence; the forts and ſtrong places committed to ſuch hands as the parliament might confide in; the privileges of parliament repaired; endeavours uſed to take away the votes of popiſh lords and biſhops; Ireland ſpeedily relieved; delinquents brought to further puniſhment; preſſures and grievances in church and ſtate removed; and whatever ſhall be amiſs reformed.

Theſe petitions being read, Mr. Pym continued his ſpeech in this manner:

" My lords,

" IN theſe four petitions you may hear the voice or rather " the cry of all England, and you cannot wonder if the " urgency, the extremity, of the condition wherein we are, " do produce ſome earneſtneſs and vehemency of expreſſion " more than ordinary; the agony, terror, and perplexity in " which the kingdom labours is univerſal, all parts are af- " fected with it; and therefore in theſe you may obſerve the " groans and miſerable complaints of all. Divers reaſons " may be given, why thoſe diſeaſes which are epidemical are " more dangerous than others: the cauſe of ſuch diſeaſes is " univerſal and ſupernatural, not from an evil conſtitution, " or evil diet, or any other accident; and ſuch cauſes work " with more vigour and efficacy than thoſe which are parti- " cular and inferior. 2. In ſuch diſeaſes there is a commu- " nicative quality, whereby the malignity of them is multi- " plied and enforced. 3. They have a converting, tranſ- " forming power, that turns other diſeaſes and evil affec- " tions of mens bodies into their own nature.

" The common and epidemical diſeaſe wherein this com- " monwealth lies now gaſping, hath a ſuperior and univerſal " cauſe from the evil counſels and deſigns of thoſe who, un- " der his majeſty, bear the greateſt ſway in government. 2. " It hath a contagious and infectious quality, whereby it is " diffuſed and diſperſed through all parts of the kingdom. " 3. It is apt to take in the diſcontents, evil affections, and " deſigns of particular perſons, to increaſe and fortify it- " ſelf.

" I ſhall take occaſion, from ſeveral branches of thoſe " petitions which your lordſhips have heard, to obſerve:

" 1. The variety of dangers to which this kingdom is now subject. Charles I. 1641-2.

" 2. The manifold diſtempers which are the cauſe of thoſe dangers.

" 3. The multiplicity of thoſe evil influences, which are the cauſes of thoſe diſtempers.

" The firſt danger is from enemies abroad: This may ſeem a cauſeleſs and impertinent obſervation at this time, ſeeing we are at peace with all nations about us: But (my lords) you may be pleaſed to conſider, that the ſafety of the kingdom ought not to depend upon the will and diſpoſition of our neighbours, but upon our own ſtrength and proviſion: Betwixt ſtates there are often ſudden changes from peace to war, according to occaſion and advantage: All the ſtates of Chriſtendom are now armed, and we have no reaſon to believe, but that thoſe of greateſt power have an evil eye upon us in reſpect of our religion: And if their private differences ſhould be compoſed, how dangerouſly, how ſpeedily, might thoſe great armies, and other preparations now ready, be applied to ſome enterprize and attempt againſt us? And if there were no other cauſe, this were ſufficient to make us ſtand upon our guard; but there are divers more eſpecial ſymptoms of dangers of this kind. We may perceive, by ſeveral advertiſements from abroad, that they did foreſee our dangers many months before they broke out; they could foretel the time and manner of them, which is a clear evidence, they held intelligence with thoſe which were the contrivers and workers of the preſent troubles. We have many dangerous traytors and fugitives now in other parts, who can diſcover the weakneſs and diſtemper of the kingdom; who hold intelligence with the ill-affected party here, and by all cunning and ſubtle practices, endeavour to incite and provoke other princes againſt us. Some of the miniſters of our neighbour princes may be juſtly ſuſpected to have a more immediate hand and operation in the inſurrection and rebellion of Ireland; many of the commanders, and moſt of the ſoldiers levied for the ſervice of Spain, are now joined with the rebels there; and thoſe Iriſh friers which were employed by the Spaniſh ambaſſador, for the making of thoſe levies, are known to have been the chief incendiaries of this rebellion, and are ſtill very active in the proſecution and encouragement of it. The rebels have a ready and ſpeedy ſupply from ſome of our neighbours. Two convoys of munition and arms we are certainly informed of; one from Dunkirk, the other

" from

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" from Nants in Britany; and certainly thoſe that are ſo " forward to enable others to hurt us, will not forbear to " hurt us themſelves, as ſoon as they ſhall have means and " opportunity to do it.

" Another danger is from the papiſts and ill-affected party " at home. The papiſts here are acted by the ſame prin- " ciples with thoſe in Ireland, many of the moſt active of " them have lately been there; which argues an intercourſe " and communication of council. They have ſtill ſtore of " arms and munition at their diſpoſing, notwithſtanding all " our endeavours to diſarm them; they have a free reſort to " the city and to the court; they want no opportunity to " conſult together; they have the ſame or greater encourage- " ment from above, and from about [k], than ever, in reſpect " of the example and ſucceſs of the rebels in Ireland, and " the great confuſions and diviſions which by their cunning " and ſubtle practices are raiſed and fomented among our- " ſelves at home.

" A third danger is of tumults and inſurrections of the " meaner ſort of people, by reaſon of their ill vent of cloth " and other manufactures, whereby great multitudes are ſet " on work, who live for the moſt part by their daily gettings, " and will, in a very ſhort time, be brought to great ex- " tremity, if not employed: Nothing is more ſharp and " preſſing than neceſſity and want; what they cannot buy " they will take, and from them the like neceſſity will quick- " ly be derived to the farmers and huſbandmen; and ſo grow " higher, and involve all in an equality of miſery and diſtreſs, " if it be not prevented. And at this time ſuch tumults will " be dangerous, becauſe the kingdom is full of diſbanded " ſoldiers and officers, which will be ready to head and to " animate the multitude to commit violence with more " ſtrength and advantage; and if they once grow into a " body, it will be much more difficult to reduce them into " order again, becauſe neceſſity and want, which are the " cauſe of this diſturbance, will ſtill encreaſe as the effects " do encreaſe.

" A fourth danger is from the rebels in Ireland, not only " in the reſpect of that kingdom, but in reſpect of this. " They have ſeized upon the body of that kingdom already: " they abound in men of very able bodies; they encreaſe " in arms and munition; they have great hopes of ſupplies " from abroad, of encouragement here, and are ſure of good

[k] That is to ſay, from the king, queen, and miniſtry. Rapin.

" enter-

" entertainment from the popiſh party, ſo that they begin Charles I.
" to ſpeak already there of tranſporting themſelves hither, 1641-2.
" and making this kingdom the ſeat of the war. The di-
" ſtemper which hath produced theſe dangers is various and
" exceeding violent. Whenſoever nature is hindered in her
" operations and faculties, diſtempers will neceſſarily follow.

" The obſtructions which have brought us into this di-
" ſtemper, are very many, ſo that we cannot wonder at the
" ſtrength and malignity of it. Some of the chiefeſt of theſe
" obſtructions I ſhall endeavour to remember.

" 1. The obſtruction of reformation in matters of religion:
" No grievances are ſharper than thoſe that preſs upon the
" tender conſciences of men; and there was never church or
" ſtate afflicted with more grievances of this kind than we
" have been. And though they are, by the wiſdom of this
" parliament, partly eaſed and diminiſhed, yet many ſtill
" remain; and as long as the biſhops and the corrupt part
" of the clergy continue in their power, there will be little
" hopes of freedom, either from the ſenſe of thoſe which
" continue, or the fear of thoſe which are removed. And
" of this obſtruction, (my lords) I muſt clear the commons,
" we are in no part guilty of it; ſome good bills have paſſed
" us, and others are in preparation, which might have been
" paſſed before this, if we had not found ſuch ill ſucceſs in
" the other. Whatſoever miſchief this obſtruction ſhall
" produce, we are free from it; we may have our part in
" the miſery, we can have no part in the guilt or diſhonour.

" 2. An obſtruction in trade: It is the trade that brings
" food and nouriſhment to the kingdom: It is that which
" preſerves and encreaſes the ſtock of the whole, and diſtri-
" butes a convenient portion of maintenance to every part of
" it; therefore ſuch an obſtruction as this muſt needs be
" dangerous; the freedom of trade being ſo neceſſary, the
" benefit ſo important, as that it gives life, ſtrength, and
" beauty to the whole body of the commonwealth; but I
" muſt proteſt, the houſe of commons have given no cauſe
" to this obſtruction; we have eaſed trade of many burthens
" and heavy taxes, which are taken off; we have freed it
" from many hard reſtraints by patents and monopolies;
" we have been willing to part with our own privileges to
" give encouragement; we have ſought to put the merchants
" into ſecurity and confidence in reſpect to the Tower of
" London, that ſo they might be invited to bring in their
" bullion to the mint, as heretofore they have done; and we
" are no way guilty of the troubles, the fears, and public

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"dangers which make men withdraw their ſtocks, and keep "their money by them, to be ready for ſuch ſudden exigents, "as in theſe great diſtractions we have too much cauſe to "expect.

"3. The obſtructions in the relief of Ireland. It muſt "needs be accounted a great ſhame and diſhonour to this "kingdom, that our neighbours have ſhewed themſelves "more forward to ſupply the rebels, than we have been to "relieve our diſtreſſed brethren and fellow ſubjects. But I "muſt declare, that we are altogether innocent of any neg- "lect herein. As ſoon as the firſt news of the rebellion "came over, we undertook the war, not by way of ſupply "and aid, as in former rebellions the ſubjects have uſed to "do, but we undertook the whole charge of it, and we "ſuffered not twenty-four hours to paſs, before we agreed "to a great levy of money and men, to be employed againſt "the rebels, even in a larger proportion than the lords juſti- "ces and counſel there did deſire; and from time to time "we have done all for the furtherance thereof, though in the "midſt of many diſtractions and diverſions; but the want of "commiſſion for levying of men, for iſſuing arms, and divers "other impediments, have been the cauſes of that obſtruction; "and I wiſh we had not only found impediments to ourſelves, "but alſo encouragements to them. Many of the chief com- "manders, now in the head of the rebels, after we had, "with your lordſhips concurrence, ſtopt the ports againſt "the Iriſh papiſts, have been ſuffered to paſs by his ma- "jeſty's immediate warrant, much to the diſcouragement of "the lords juſtices and the council there, and this procured, "as we believe, by ſome evil inſtrument too near his regal "perſon, without his majeſty's knowledge and intentions.

"4. The obſtruction in proſecution of delinquents: "Many we have already brought unto your lordſhips; "divers others we have been diſcouraged to tranſmit; ſuch "difficult proceedings have we met withal; ſuch terrors and "diſcountenance have been caſt upon ourſelves and our "witneſſes, and thoſe who have ſhewed themſelves their "friends and patrons, have found it the moſt ready way to "preferment [l]; yea his majeſty's own hand hath been ob- "tained, his majeſty's ſhips been employed for the tranſ- "porting of divers of thoſe who have fled from the juſtice "of the parliament [m].

[l] The lord Digby is chiefly meant. Rapin. [m] Jermyn and Digby.

"5. A

" 5. A general obſtruction and interruption of the pro- Charles I.
" ceedings of parliament, by thoſe manifold deſigns of vio- 1641-2.
" lence (which through God's mercy we have eſcaped) by
" the great and frequent breaches of privilege, by the ſubtle
" endeavours to raiſe parties in our houſe, and jealouſies
" betwixt the two houſes.

" 6. The obſtruction in providing for the defence of the
" kingdom, that we might be enabled to reſiſt a foreign
" enemy, to ſuppreſs all civil inſurrections; and what a
" preſſing neceſſity there is of this, the exceeding great de-
" cays in the navy, in the forts, in the power of ordering
" the militia of the kingdom, and means of furniſhing them
" with munition, are ſufficient evidences, known to none
" better than to your lordſhips; and what endeavour we
" have uſed to remove them (but hitherto without the ſucceſs
" and concurrence which we expect) and where the ſtop
" hath been, and upon what good grounds, we may claim
" our own innocency and faithfulneſs in this; we deſire no
" other witneſſes but yourſelves.

" Laſtly, I come to the evil influences which have cauſed
" this diſtemper, and I ſhall content myſelf to mention ſome
" few of thoſe which are moſt apparent and important.

" 1. In the firſt place, I ſhall remember the evil counſels
" about the king, whereof we have often complained. Di-
" ſeaſes of the brain are moſt dangerous; becauſe from
" thence ſenſe and motion are derived to the whole body.
" The malignity of evil counſels will quickly be infuſed into
" all parts of the ſtate. None can doubt but we have ex-
" ceedingly laboured under moſt dangerous and miſchievous
" counſels. This evil influence hath been the cauſe of the
" preparation of war with Scotland, of the procuring a re-
" bellion in Ireland, of corrupting religion, ſuppreſſing the
" liberty of this kingdom, and of many fearful and horrid
" attempts, to the ſubverting the very being of parliaments,
" which was the only hopeful means of oppoſing and pre-
" venting all the reſt: And this doth appear to be a moſt
" predominant evil of the time; whereat we need not won-
" der when we conſider how counſellors have been preferred
" and prepared. And I appeal to your lordſhips own con-
" ſciences, whether the giving, and the countenancing of
" evil counſels, hath not been almoſt the only way to
" farther advancement.

" 2. The diſcouragement of good counſels. Divers honeſt
" and approved counſellors have been put from their places;
" others ſo diſcountenanced, as that the way of favour hath

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" been ſhut againſt them, and that of danger and deſtruction " only open to them.

" 3. The great power that an intereſted and factious " party hath in the parliament, by the continuance of the " votes of the biſhops and popiſh lords in your lordſhips " houſe; and the taking in of others both out of the houſe " of commons, and otherwiſe, to increaſe their ſtrength.

" 4. The fomenting and cheriſhing of a malignant party " throughout the whole kingdom.

" 5. The manifold jealouſies betwixt the king, his par- " liament, and good ſubjects, whereby his protection and " favour hath in a great meaſure been with-held from them; " their inclinations and reſolution to ſerve and aſſiſt him, " hath been very much hindered and interrupted: we have " often ſuffered under the miſinterpretation of good actions, " and falſe imputation of evil, which we never intended. " So that we may juſtly purge ourſelves from all guilt of " being authors of this jealouſy and miſunderſtanding: We " have been and are ſtill ready to ſerve his majeſty with our " lives and fortunes, with as much chearfulneſs and earneſt- " neſs of affection, as ever any ſubjects were, and we doubt " not but our proceedings will ſo manifeſt this, that we ſhall " be as clear in the apprehenſion of the world, as we are in " the teſtimony of our own conſciences.

" I am now come to a concluſion, and I have nothing to " propound to your lordſhips by way of requeſt or deſire " from the houſe of commons. I doubt not but your judge- " ments will tell you what is to be done; your conſciences, " your honours, your intereſt will call upon you for the " doing of it; the commons will be glad to have your help " and concurrence in ſaving of the kingdom; but if they " ſhould fail of it, it ſhould not diſcourage them in doing " their duty. And whether the kingdom be loſt or ſaved " (as through God's bleſſing I hope it will be) they ſhall be " ſorry that the ſtory of this preſent parliament, ſhould tell " poſterity, that in ſo great a danger and extremity, the " houſe of commons ſhould be inforced to ſave the kingdom " alone, and that the houſe of peers ſhould have no part " in the honour of the preſervation of it, you having ſo " great an intereſt in the good ſucceſs of thoſe endeavours, " in reſpect of your great eſtates, and high degrees of no- " bility.

" My lords, conſider what the preſent neceſſities and " dangers of the commonwealth require, what the commons

" have

" have reaſon to expect, to what endeavours and counſels the concurrent deſires of all the people do invite you: So that applying yourſelves to the preſervation of the king and kingdom, I may be bold to aſſure you, in the name of all the commons of England, that you ſhall be bravely ſeconded." Charles I. 1641-2.

I thought proper to inſert this whole ſpeech, becauſe the reſolution taken by the commons to diveſt the king of great part of his prerogatives, which they termed ſaving the kingdom, manifeſtly appears in it. In the next place, is ſeen here the plan they were forming, under colour of applying a cure to the epidemical diſeaſe, whoſe dangers, cauſes and evil influences were methodically deſcribed by Mr. Pym. Though he did not explain the manner of curing it, it was eaſy to infer from his ſpeech, that it was neceſſary to prevent the dangers, remove the cauſes, and apply ſtrong antidotes againſt the evil influences which inflamed the diſeaſe. Remarks on this ſpeech.

The firſt remark I ſhall make on this ſpeech, is, that it was a preparative to diſpoſe the people to ſee, without ſurpriſe, the violent remedies which were intended to be uſed to remove a diſeaſe that was induſtriouſly repreſented as almoſt incurable. It would be eaſy to ſhow that all the ſubſequent proceedings of the commons were intimated in this long ſpeech, if I was not apprehenſive it would lead me too far.

I ſhall add another remark, no leſs important and requiſite; and that is, if the projects of the commons had been founded only upon idle notions and chimera's, they would never have met with ſo many adherents ready and eager to accompliſh them. Had the people of England been never oppreſſed, vain would have been the endeavours to perſuade them to think ſo. Had not the king attempted to eſtabliſh an arbitrary power, had not his miniſters, his counſellors, all perſons in public offices, helped to execute this deſign, how would it have been poſſible to convince the people of its reality? If the biſhops and high-commiſſion had not abuſed their power, if, in order to be farther removed from the preſbyterians, they had not introduced ceremonies and innovations, wherein there was but too much affectation of imitating the Romiſh religion, never could the people have been perſuaded that there was a deſign to introduce popery. Had the king always ſtrictly kept his word, how would it have been practicable to inſpire the people with ſo great a diſtruſt of him? By what band would the members of parliament have

Charles I. 1641-2. united together in the design of lessening the king's power? How should such a thought have come into their minds? It may therefore be affirmed, that these projects were founded on very real and true facts, but which the presbyterians artfully improved, to the accomplishment of their private ends. Nevertheless it must be owned, that most of these facts were aggravated, misinterpreted, and even inflamed with groundless insinuations.

Nalson, t. ii. 888, &c.

I shall farther observe, that they who say, these petitions, presented to the house of commons, were all begged, seem to say it very justly, or at least, with great probability. It is difficult to believe, that the people to whom these petitions were ascribed, could have used a language so agreeable to the aim and intentions of the commons, if they had not been drawn up by persons fully informed of their designs. Indeed, in answer to this objection, it is alledged, that these petitions were not formed upon the views of the commons, but that the house framed their resolutions upon these petitions, which informed them of the nation's desires. But we do not find, they ever framed their resolutions upon other petitions directly contrary to these, which were also presented to them from time to time, and which agreed not with their principles. On the contrary, we see that for the most part these were rejected or not regarded by the house.

The commons thank Mr. Pym, Jan. 25.

The king complains of some words in it. Feb. 7. Rushworth, iv. p. 511. Clarendon, t. i. p. 330.

The house stands by what Pym had said. Rushworth, iv. p. 522, &c. Clarendon, t. i. p. 330, 331.

The commons were so pleased with Mr. Pym's speech, that Mr. Speaker was ordered to give him thanks for it, and desire him to print it, that it might be dispersed among the people. But the king took great offence at it, particularly, at what Mr. Pym said concerning passes granted for Ireland, "That since the stop upon the ports against all Irish papists, "by both houses, many of the chief commanders, now in "the head of the rebels, have been suffered to pass by his "majesty's immediate warrant." The king said, it was a black calumny, and demanded by a message, that the house should make him a solemn reparation, and disavow what Pym had asserted; but the commons, who were not then disposed to oblige the king, answered, that what Mr. Pym had said was agreeable to the sense of the house. That it was true, since the stop upon the ports by both houses, several persons who were now commanders among the rebels, had passed into Ireland with his majesty's immediate warrant, some of whom they named. The king replied, that these passes were obtained whilst he was in Scotland, and before he knew of the order of parliament, and insisted upon the vindi-

vindication he had already required. The commons anſwered by a declaration, maintaining what they had advanced, and adding, that his majeſty's paſſes were not only for thoſe they had before named, but alſo "for ſuch a one [m] and his "company, for ſuch a one [n] and four other perſons." The king replied, theſe were only inferences drawn from the paſsports, which could not ſerve for foundation to Pym's aſſertion in his ſpeech. He inſiſted again upon reparation: but the commons thought not proper to return any anſwer. Charles I. 1641-2.

Difference between the king and the parliament about the militia. Ruſhworth, tom. iv. p. 516, etc. Clarendon. tom. i. p. 304.

But this diſpute between the king and the parliament was of little importance, in compariſon of another at the ſame time, concerning the militia and command of the forts. But for the better underſtanding this affair, which is one of the principal of the preſent reign, it is abſolutely neceſſary to know what had already paſſed about it.

After the king's return from Scotland, it was eaſy for him to perceive, that the commons intended to deprive him of great part of his authority. The remonſtrance of the ſtate of the kingdom, preſented to him at a time, when, without ſuch a deſign, it ſeemed very needleſs, was as the ſignal of the war preparing againſt him. Whatever had been ſince done, tended to the ſame end, that is, to diſcredit the king's government, and to impute to him ſundry deſigns, under the name of his counſellors, of the papiſts, and of an ill-affected party. It is not very ſtrange, that finding himſelf in this ill ſituation, he thought betimes of providing againſt the attacks to which he was likely to be ſoon expoſed. But who can affirm, that if he had ſucceeded in putting himſelf in a condition to reſiſt, he would have remained upon the defenſive? However that be, the precautions he would have taken againſt his enemies, ſerved but to render their accuſations more plauſible.

In January 1641-2, when the affair of the members accuſed and the breach of privileges was warmly debating, the king, not knowing how it might end, formed the deſign of ſecuring Hull. This place was very conſiderable, as well by its ſituation, as a large magazine of arms and ammunition [o], Ruſhworth, tom. iv. p. 564. Clarendon, tom. i. p. 304.

[m] Namely, colonel Butler, whoſe brother was general of the rebels in Monſter. He was uncle to the earl of Ormond.

[n] Chriſtopher Nugent, lord Delvin, and four perſons un-named, of whom Plunket was one. — There were alſo paſſes granted to a ſon of the lord Netterville, and to ſir George Hamilton. Ruſhworth, tom. iv. p. 514.

[o] Upon the diſbanding the late army in the north, all the artillery, arms, and ammunition, that was provided for that ſervice, had been, by the king's command, ſent to Hull, where it ſtill remained; and the king intended it ſhould be kept there for a magazine upon all occaſions. Clarendon, tom. i. p. 304.

Charles I. 1641-2. which could procure a great advantage to him, that he could have it in his power, in case of a rupture. To this end William Cavendish, earl of Newcastle, by the king's order came to Hull under a counterfeit name [p], to consult with some of the king's friends, and amongst others with captain Legg, how to oblige the mayor to deliver to him the town and magazine, or to obtain it by force, if the mayor would not give his consent. The secret being discovered, the peers ordered the earl of Newcastle to attend the service of the house, which he did, after receiving the king's pleasure, without being asked at his return, where he had been. But some days after, the commons, as I have said, moved that sir John Hotham might be sent to Hull, to which the lords agreed the more readily, as they were not ignorant upon what design the earl of Newcastle had been dispatched thither. The order was therefore given to Hotham by both houses, to command in Hull, without the king's being acquainted with it.

January 11. Nalson, t. ii. p. 833. Rushworth, iv. p. 496, 564.

Shortly after, the affair of the militia being now commenced, the king formed once more the design of securing Hull and Portsmouth. To that purpose, colonel Goring, governor of Portsmouth, whom the king had secretly gained, was to receive the queen into Portsmouth, after which, he had orders to go and take the command of Hull. Probably, there was some course taken for the surrender of that place to him. This design was discovered, though it was communicated but to three persons, and the king thought not proper to pursue it, for fear of a disappointment.

Rushworth, iv. p. 496. Clarendon, t. i. p. 326.

If to this be added the suspicions entertained by the parliament, that the late assembly at Kingston was in order to surprize Portsmouth, and the queen's intended journey thither had the same motive: that the lieutenancy of the Tower given to Lunsford might be in pursuance of the king's design to secure at once the three strongest places in the kingdom, it will not be surprising hereafter, to see the parliament full of fears and jealousies. For though the commons had given the king but too much reason to take precautions for his defence, these very precautions, had they succeeded, would have been no less prejudicial to the public, than if they had been without a plausible foundation. So, as the king had reason to fear that the parliament intended to deprive him of his authority, the parliament had no less cause to suspect that the king was privately labouring to subdue them. In this disposition, neither the one nor the other took any step which was not suspected

[p] He took the name of sir John Savage. Rushworth, tom. iv. p. 564.

pected to cover ſome ill deſign. Conſequently every thing tended to a rupture. The ſole concern of both parties, was to gain the people to their intereſt. The parliament ſtrenuouſly endeavoured it by rendering the king odious, and cheriſhing the fears and ſuſpicions already infuſed into the people. Their aim was to convince the nation of the neceſſity of extraordinary proceedings, in a caſe ſo uncommon. The king, on his part, carefully repreſented, that the parliament did nothing but violate the laws, and ſubvert the conſtitution of the government, under colour of maintaining them. Thus much it was neceſſary to premiſe, before I entered upon the affair of the militia, that the reader may underſtand the motives of the king's and the parliament's proceedings. Charles I. 1641-2.

Eight days after young Hotham's departure for Hull, where his father ſir John came within a few weeks, the king ſent a meſſage to both houſes, with the following propoſal:

The king's meſſage to both houſes, January 20. Ruſhworth, iv. p. 516. Clarendon, i. p. 309.

"That they will with all ſpeed fall into a ſerious conſideration of all thoſe particulars, which they ſhould hold neceſſary, as well for the upholding and maintaining of his majeſty's juſt and regal authority, and for the ſettling of his revenue, as for the preſent and future eſtabliſhment of their privileges; the free and quiet enjoying of their eſtates and fortunes; the liberties of their perſons; the ſecurity of the true religion now profeſſed in the church of England, and the ſettling of ceremonies in ſuch a manner, as may take away all juſt offence; which, when they ſhall have digeſted and compoſed one entire body, that ſo his majeſty and themſelves may be able to make the more clear judgment of them, it ſhall then appear by what his majeſty ſhall do, how far he hath been from intending or deſigning any of thoſe things, which the too great fears and jealouſies of ſome perſons ſeem to apprehend, and how ready he will be to exceed the greateſt examples of the moſt indulgent princes in their acts of grace and favour to their people."

The king's views in this meſſage.

It is evident the king had three views in making this propoſition. The firſt, to find the houſes employment, and procure himſelf time to prepare. The ſecond was, to know at once how far the deſigns of his enemies reached, which could not but be advantagious to him and injurious to them, with regard to the people. His third view was, to ſhow his ſubjects how willing he was to conſent to whatever ſhould be capable of procuring a perfect reconciliation between him and his parliament. As to his ſaying, "How ready he ſhould be, &c." it was only a general promiſe, liable to numberleſs reſtrictions

Charles I. 1641-2. restrictions and explanations, and which properly bound him to nothing.

The commons fully perceived the snare laid for them by the king; but they perplexed him no less by their answer to his proposition. They told him in a petition, "That they "returned to his majesty their most humble thanks, resolv- "ing to take this message into speedy and serious considera- "tion; and to enable them with security to discharge their "duties therein, they desired the peers to join with them, in "humbly beseeching his sacred majesty, to raise up unto "them a sure ground of safety and confidence, by putting "the Tower and other principal forts of the kingdom, and "the whole militia thereof, into the hands of such persons "as the parliament might confide in, and as should be re- "commended unto his majesty by both houses of parlia- "ment [q]."

The answer of the house of commons Rushworth, iv. p. 517. Nalson, t. ii. p. 860, 880, &c. Clarendon, t. i. p. 312.

By this answer, the commons made a preliminary of the most important point to be settled between the king and the parliament, and which being granted, would have put it in the parliament's power to do whatever they pleased. In the second place, they insinuated to the people, that the parliament's distrust of the king, must have been grounded upon strong presumptions, since there was no way to labour a reconciliation, and settle the rights of the nation, so long as the king should be master of the forts and militia.

The commons views.

The king answered, concerning the Tower of London, "That having preferred a person of a known fortune, and "unquestionable reputation to that trust, he did not expect "he should be pressed to remove him, without any particu- "lar charge against him: that notwithstanding, if upon due "examination any particular should be presented to his ma- "jesty, whereby it might appear, that he was mistaken in his "opinion of Byron, and that he was unfit for the trust com- "mitted to him, he would make no scruple of discharging "him. But otherwise, he was obliged in justice to himself, "to preserve his own work, lest his favour and good opi- "nion might prove a disadvantage and misfortune to his ser- "vants, without any other accusation.

The king's answer. Jan. 28. Rushworth, iv. p. 517. Annals, p. 908. Clarendon, t. i. p. 313.

"For the forts and castles of the kingdom; he was re- "solved they should always be in such hands (and only such)

[q] The petition goes on, "Where- "in the peers having refused to join "with them, they, notwithstanding, "no way discouraged, but confiding "in his majesty's goodness, humbly "beseech him, that the Tower of Lon- "don, &c." Rushworth, tom. iv. p. 517. Rapin takes no notice of this dis- sent of the lords.

"as

" as the parliament might ſafely confide in: but the nomina- Charles I.
" tion of any perſons to thoſe places (being ſo principal and 1641-2.
" inſeparable a flower of his crown, veſted in him, and de-
" rived unto him from his anceſtors, by the fundamental laws
" of the kingdom) he would reſerve to himſelf: and in be-
" ſtowing of them, he ſhould not be induced to expreſs that
" favour ſo ſoon to any perſon, as to thoſe whoſe good de-
" meanour ſhould be eminent in, or to his parliament? and
" if he ſhould at any time confer ſuch a truſt upon an un-
" deſerving perſon, he would always be ready to leave him to
" the wiſdom and juſtice of his parliament.

" As for the militia of the kingdom, which by the law
" was ſubject to no command but of his majeſty, and of au-
" thority lawfully derived from him, when any particular
" courſe for the ordering the ſame ſhould be conſidered and
" digeſted by his parliament, and propoſed to him, he would
" return ſuch an anſwer, as ſhould be agreeable to his ho-
" nour, and the ſafety of his people, being reſolved only to
" deny thoſe things, the granting whereof would alter the
" fundamental laws."

So general an anſwer was not capable of ſatisfying the commons. Nay, it ſeemed to intimate very clearly, that the king would not grant what was intended to be aſked; and yet he removed ſir John Byron from the lieutenancy of the Tower, and gave it to ſir John Conyers, recommended to him by the commons. But this was a favour he readily granted, as it did not prejudice his rights. Nevertheleſs, a few days after the following petition was preſented to him by both houſes. Remark on the king's anſwer.

To the king's moſt excellent majeſty, the humble petition of the lords and commons aſſembled in parliament.

" Moſt gracious ſovereign,

" THE preſent evils and calamities wherewith your king- Petition of
" doms are moſt miſerably entangled, the imminent dan- both houſes
" gers which threaten your royal perſon, and all your peo- to the king.
" ple, have cauſed us, your moſt faithful and obedient ſub- Feb. 2.
" jects, the lords and commons in this preſent parliament, Ruſhworth,
" with thankfulneſs to entertain, and with all earneſtneſs of iv. p. 518.
" affection and endeavours to purſue the gracious propoſition Clarendon,
" and direction, which not long ſince we have received from i. p. 328.
" your majeſty. And we have thereupon taken into our
" moſt ſerious conſideration the ways and means of ſecuring
" the ſafety of your royal perſon, preſerving the honour and
" authority

Charles I. 1641-2.

" authority of your crown, removing all jealouſies betwixt " your majeſty and your people, ſuppreſſing the rebellion in " Ireland, preventing the fears and dangers of this kingdom, " and the miſchievous deſigns of thoſe who are enemies to " the peace of it. And that we may with more comfort and " ſecurity accompliſh our duties herein, we moſt humbly be- " ſeech your majeſty, that you will be pleaſed forthwith to " put the Tower of London, and all other forts, and the " whole militia of the kingdom, into the hands of ſuch per- " ſons as ſhall be recommended to your majeſty by both " houſes of parliament[r]. Which they aſſure themſelves, " will be a hopeful entrance into thoſe courſes, which (thro' " God's bleſſing) ſhall be effectual for the removing of all " diffidence and miſapprehenſion betwixt your majeſty and " your people, and for eſtabliſhing and enlarging the honour, " greatneſs and power of your majeſty and royal poſterity, " and for the reſtoring and confirming the peace and happineſs " of your loyal ſubjects in all your dominions. And to this " our moſt neceſſary petition, we in all humility expect your " majeſty's ſpeedy and gracious anſwer, the great diſtrac- " tions and diſtempers of the kingdom not admitting any " delay."

The parliament always ſuppoſed the kingdom to be in extreme danger, and the papiſts and diſaffected party, or rather the king himſelf, to have ill-deſigns; though, after all, their ſuppoſition was founded only upon conjectures, of which the king had given ſome occaſion, by endeavouring to ſecure Hull, as the houſe had been well informed. The king's anſwer to the petition was as follows:

Ruſhworth, iv. p. 519. Clarendon, t. i. p. 328.

" His majeſty having well conſidered of this petition, and " being deſirous to expreſs how willing he is to apply a re- " medy, not only to your dangers, but even to your doubts " and fears, he therefore returns this anſwer, that when he " ſhall know the extent of power, which is intended to be " eſtabliſhed in thoſe perſons whom you deſire to be com- " manders of the militia in the ſeveral counties, and likewiſe " to what time it ſhall be limited that no power ſhall be exe- " cuted by his majeſty alone, without the advice of par- " liament, then he will declare, that (for the ſecuring you " from all dangers or jealouſies, if any) his majeſty will be " content to put in all the places, both of forts and militia in " the ſeveral counties, ſuch perſons as both the houſes of par- " liament ſhall either approve or recommend unto him, ſo

[r] The lieutenancy of the Tower was not yet given to ſir John Conyers.

" that

"that you declare before unto his majeſty the names of the Charles I.
"perſons whom you approve or recommend, unleſs ſuch per- 1641-2.
"ſons ſhall be named, againſt whom he ſhall have juſt and
"unqueſtionable exception."

The king ſeemed, by this anſwer, to grant entirely the deſire of both houſes, and yet the ſequel ſhowed it was neither his intention nor thought. For the better underſtanding the anſwer, it will be neceſſary to know how the king then ſtood diſpoſed. His deſign was to withdraw to York and levy troops in thoſe parts, in order to ſeize Hull, with the magazine there. So that, very likely, from that time he thought of war, defenſive or offenſive. And therefore he had determined to ſend the queen into Holland, under colour of conducting thither the princeſs Mary her daughter, who had eſpouſed the prince of Orange, and of going to the Spa. But withal, he had put into her hands the crown-jewels, which were afterwards uſed in buying arms and ammunition [s]. When the parliament preſented this petition to him, he was going to ſend away the queen, after which he intended to retire to York. It was not therefore his intereſt abſolutely to reject the parliament's requeſt in ſuch a juncture, for fear of raiſing a ſtorm too ſoon, which might have obſtructed the execution of his two deſigns, and eſpecially that relating to Hull. For this reaſon it was that he returned the parliament ſo ſeemingly ſatisfactory an anſwer, but which however was not an abſolute conſent, becauſe of ſome additional reſtrictions, from whence he meant to draw afterwards a pretence to render his engagement ineffectual. Nevertheleſs, the terms of this engagement were ſo well choſen, that though of themſelves, they ſignified not that the king reſerved to himſelf a power to recede from his word, ſuch a ſenſe however might by inference be fixt upon them. So in the king's intention, this anſwer was ſolely deſigned to gain time. A few days after, he gave the lieutenancy of the Tower to ſir John Conyers [t], the better to perſuade both houſes, he intended to ſatisfy them.

Obſervations on this anſwer.

Annals, p. 909. Whitelock, p. 54, 55. Ludlow. Clarendon, t. i. p. 327.

The parliament did not doubt, the king was reſolved to put the militia into the hands of ſuch as ſhould be recommended to him. And therefore they ordered the draught of an ordinance for regulating the militia to be prepared, with

The parliament preſents to the king the form of an ordinance for the militia.

[s] She was reduced to ſo great wants, that ſhe was compelled to coin, or ſell her chamber-plate, for the ſupply of her moſt neceſſary occaſions. Clarendon, tom. i. p. 327.

[t] February 11th, as appears by a ſhort meſſage that day from the king to the houſe of peers, Ruſhworth, tom. iv. p. 519.

Ruſhworth, iv. p. 519.

the

Charles I. 1641-2. the names of the commanders in each county on a ſeparate paper, and preſented it to his majeſty, with a petition for his conſent.

The king's anſwer. Id. p. 521.

The king anſwered, the queen and princeſs being upon their departure for Holland, he had not time to conſider of ſo important an affair, but would ſend an anſwer at his return. He was then upon the road, accompanying the queen to Dover.

Mean while, the parliament believing to have reaſon to ſuſpect, the king only ſought to amuſe them, and fearing he had formed ſome private deſign which he intended to execute before the regulation of the militia, preſented this other petition to him:

Petition of both houſes to the king. Feb. 22. Ibid. Clarendon, t. i. p. 339.

"May it pleaſe your moſt excellent majeſty, your humble "and loyal ſubjects, the lords and commons, have with a "great deal of grief received your majeſty's anſwer to their "juſt and neceſſary petition, concerning the militia of this "kingdom; which your majeſty, by a gracious meſſage for-"merly ſent unto them, was pleaſed to promiſe ſhould be "put into ſuch hands as your parliament ſhould approve of, "or recommend unto you: the extent of their power, and "the time of their continuance, being likewiſe declared. "That being done, and the perſons by both houſes nomi-"nated, your majeſty, nevertheleſs, refers your reſolution "herein to a longer and a very uncertain time, which (the "preſent dangers and diſtractions ſo great and preſſing) is as "unſatisfactory and deſtructive as an abſolute denial.

"Therefore we once again beſeech your majeſty, to take "our deſire into your royal thoughts, and to give us ſuch an "anſwer, as may raiſe in us a confidence that we ſhall not "be expoſed to the practices of thoſe, who thirſt after the "ruin of this kingdom, and the kindling of that combuſtion "in England, which they have in ſo great a meaſure effect-"ed in Ireland; from whence (as we are daily informed) "they intend and endeavour to invade us, with the aſſiſtance "of the papiſts here amongſt us.

"Nothing can prevent theſe evils, nor enable us to ſup-"preſs the rebellion in Ireland, and ſecure ourſelves, but the "inſtant granting of that humble petition, which we hope "your majeſty will not deny to thoſe, who muſt in the diſ-"charge of their duties both to your majeſty and the com-"monwealth, repreſent unto your majeſty what they find ſo "abſolutely neceſſary for the preſervation of both, which the "laws both of God and man enjoin them to ſee put in exe-"cution, as ſeveral counties by their daily petitions have de-

"ſired

" fired of us, and in ſome places begun already to do it of Charles I.
" themſelves." 1641-2.

The parliament wiſhed to have the king's conſent to this regulation of the militia. This would have been advantagious to them upon all accounts. But however, in the caſe wherein they ſuppoſed the kingdom to be, they did not mean, that the king's conſent was ſo abſolutely neceſſary that the regulation could not be done and executed, without his approbation. And therefore to ſhow the king, it would be in vain to oppoſe it, they had ſo ordered it, that in ſome places the people had, of their own accord, divided themſelves into companies, choſen officers, in a word, had began to regulate the militia, without ſtaying for the king's orders. It is not likely, the people would have ventured upon ſuch an undertaking, had they not been ſure of the parliament's approbation. Remark.

The king ſeeing himſelf thus preſſed, ſought other evaſions to amuſe the parliament, without openly declaring however that his intention was to deny the deſire of both houſes: His anſwer to the laſt petition was as follows [u]:

" His majeſty having, with his beſt care and underſtand- The king's anſwer. Feb. 28. Ruſhworth, iv. p. 521. Clarendon. t. i. p. 341.
" ing, peruſed and conſidered, that which was ſent him from
" both houſes, for the ordering of the militia, preſented unto
" him to be made an ordinance of parliament, by the giv-
" ing of his royal aſſent; as he can by no means do it for
" the reaſons hereafter mentioned, ſo he doth not conceive
" himſelf obliged, by any promiſe made in his anſwer of the
" ſecond of this month to the petition of both houſes, to yield
" the ſame."

" His majeſty finds great cauſe to except againſt the pre-
" face or introduction to that order, which confeſſeth a moſt
" dangerous and deſperate deſign upon the houſe of commons,
" of late ſuppoſed to be an effect of the bloody counſels of
" papiſts and other ill-affected perſons, by which many may
" underſtand (looking upon other printed papers to that pur-
" poſe,) his coming in perſon to the houſe of commons on
" the 4th of January, which begat ſo unhappy a miſunder-
" ſtanding between him and his people; and for that, though
" he believes it upon the information ſince given, to be an
" apparent breach of their privilege, and hath offered to re-
" pair the ſame for the future, by any act that ſhall be de-
" ſired of his majeſty, yet he muſt declare; and require to

[u] This anſwer the king ſent from Greenwich, where he came and reſided ſome time after the queen's departure. Clarendon, tom. i. p. 340, 341.

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" be believed, that he had no other deſign upon that houſe, " or any member of it, than to require (as he did) the per- " ſons of thoſe five gentlemen his majeſty had the day before " accuſed of high-treaſon; and to declare, that he meant to " proceed againſt them legally and ſpeedily, upon which he " believes that houſe would have delivered them up; and " his majeſty calls the Almighty God to witneſs, that he was " ſo far from any intention or thought of force or violence; " although that houſe had not delivered them according to " his demand, or in any caſe whatſoever, that he gave thoſe " his ſervants, and others, that waited on his majeſty, expreſs " charge and command, that they ſhould give no offence to " any man; nay, if they received any provocation or injury " that they ſhould bear it without return; and his majeſty " neither ſaw or knew, that any perſon of his train had any " other weapons, but his penſioners and guards thoſe with " which they uſually attend his majeſty, and the other gen- " tlemen, ſwords. And therefore his majeſty doubts not, " but his parliament will be regardful of his honour herein, " that he ſhall not undergo any imputation, by the raſh or " indiſcreet expreſſions of any young men then in his train, " or by any deſperate words uttered by others, who might " mingle with them without his conſent or approbation.

" For the perſons nominated to be lieutenants of the ſe- " veral counties of England and Wales, his majeſty is con- " tented to allow that recommendation; only concerning " the city of London, and ſuch corporations, as by antient " charters have granted unto them the power of the militia, " his majeſty doth not conceive, that it can ſtand with " juſtice or polity to alter their government in that parti- " cular.

" And his majeſty is willing forthwith to grant every of " them, (that of London, and thoſe other corporations ex- " cepted, ſuch commiſſions, as he hath done during this " parliament, to ſome lord-lieutenants by your advice; but " if that power be not thought enough, but that more ſhall " be thought fit to be granted to thoſe perſons named, than " by the law is in the crown itſelf; his majeſty holds it rea- " ſonable, that the ſame be by law firſt veſted in him, with " power to transfer it to thoſe perſons, which he will willingly " do; and whatever that power ſhall be, to avoid all future " doubts and queſtions, his majeſty deſires it may be digeſted " into an act of parliament rather than an ordinance; ſo that " all his loving ſubjects may thereby particularly know, both " what they are to ſuffer, and what they are not to ſuffer,

" for their neglect, that there be not the leaſt latitude for Charles I.
" his good ſubjects to ſuffer under any arbitrary power what- 1641-2.
" ever.

" As to the time deſired for the continuance of the powers
" to be granted, his majeſty giveth this anſwer, that he can-
" not conſent to diveſt himſelf of the juſt power, which God
" and the laws of this kingdom have placed in him for the de-
" fence of his people, and to put it into the hands of any other
" for any indefinite time. And ſince the ground of this re-
" queſt from his parliament, was to ſecure their preſent fears
" and jealouſies, that they might with ſafety apply themſelves
" to the matter of his meſſage of the 20th of January: his
" majeſty hopeth, that his grace to them, ſince that time,
" in yielding to ſo many of their deſires, and in agreeing to
" the perſons now recommended to him by his parliament,
" and the power before expreſſed to be placed in them, will
" wholly diſpel thoſe fears and jealouſies; and aſſureth them,
" that as his majeſty hath now applied this unuſual remedy to
" their doubts, ſo (if there ſhall be cauſe) he will continue
" the ſame, to ſuch time as ſhall be agreeable to the ſame
" care he now expreſſeth toward them.

" And in this anſwer, his majeſty is ſo far from receding
" from any thing he promiſed, or intended to grant in his
" anſwer to the former petition; that his majeſty hath here-
" by conſented to all was then aſked of them by that peti-
" tion concerning the militia of the kingdom, (except that of
" London, and thoſe other corporations) which was to put
" the ſame into the hands of ſuch perſons as ſhould be recom-
" mended unto him by both houſes of parliament: and his
" majeſty doubts not, but the parliament upon well weighing
" the particulars of this his anſwer, will find the ſame more
" ſatisfactory to their ends, and the peace and welfare of all
" his good ſubjects, than the way propoſed by this intended
" ordinance, to which, for theſe reaſons, his majeſty cannot
" conſent.

" And whereas his majeſty obſerves by the petition of both
" houſes, preſented to him by the earl of Portland, ſir Tho-
" mas Leal, and ſir William Savile, that in ſome places ſome
" perſons begin already to intermeddle of themſelves with the
" militia, his majeſty expecteth that his parliament ſhould
" examine the particulars thereof, it being a matter of high
" concernment and very great conſequence.

" And his majeſty requireth, that if it ſhall appear to his
" parliament, that any perſons whatſoever have preſumed to

Charles I. 1641-2.

". command the militia without lawful authority, they may " be proceeded againſt according to law."

There were in this anſwer ſeveral things which could not but diſpleaſe the parliament. 1. The exception of London and ſuch other corporations, as by charters had the power of the militia, which was taking away with one hand, what he ſeemed to give with the other, ſince there were very few towns of any note, but what had the like charters. Beſides, it did not appear that either London or any other corporation deſired to be maintained in this privilege. The king ſuppoſed it without conſulting them. 2. The king, in complaining there was no fixed time for the continuance of the powers of the lieutenants, offered none himſelf. So it was a point to be debated which might long amuſe. 3. As to his promiſing to prolong the time, if there ſhould be cauſe, it was properly nothing, ſince it is certain his general promiſes were not relied on, eſpecially when attended with ſuch reſtrictions. 4. The king did not mention the government of the forts, which was however a point of great moment. 5. He abſolutely rejected the ordinance, and in perſwading the parliament to change it into an act, he would have indirectly obliged them to own, they had no power to make it, which was entirely contrary to the pretenſions of both houſes. 6. In ſuppreſſing the ordinance and turning it into an act, the bill muſt have been drawn his own way, otherwiſe, he tacitely reſerved to himſelf the power of rejecting it, a power that hitherto had been indiſputable. It was therefore very eaſy to perceive, that by all theſe reſtrictions the king ſought only to gain time, and put off the parliament with bare words. Accordingly both houſes having taking his anſwer into conſideration, voted that it was not ſatisfactory, and preſented a third petition to him at The balds, where he then was.

Petition of both houſes to the king. March 1. Rushworth, v. i. p. 522. Clarendon, v. i. p. 313.

" Moſt gracious ſovereign,

" YOUR majeſty's moſt loyal and obedient ſubjects, the " lords and commons in parliament, do find their juſt " apprehenſions of ſorrow and fear, in reſpect of the public " dangers and miſeries like to fall upon your majeſty and the " kingdom, to be much increaſed, upon the receipt of your " unexpected denial of their moſt humble and neceſſary pe- " tition, concerning the militia of the kingdom, eſpecially " grieving, that wicked and miſchievous counſellors ſhould " ſtill have that power with your majeſty, as in this time of " imminent and approaching ruin, rather to incline your

" re-

" reſolutions to that which is apt to further the accompliſh- Charles I.
" ment of the deſires of the moſt malignant enemies of God's 1641-2.
" true religion, and the peace and ſafety of yourſelf and
" your kingdom, than to the dutiful and faithful counſel of
" your parliament: wherefore they are enforced in all hu-
" mility to proteſt, that if your majeſty ſhall perſiſt in that
" denial, the dangers and diſtempers of the kingdom are
" ſuch as will endure no longer delay: but unleſs you ſhall
" be graciouſly pleaſed to aſſure them by theſe meſſengers,
" that you will ſpeedily apply your royal aſſent to the ſatiſ-
" faction of their former deſires, they ſhall be inforced, for
" the ſafety of your majeſty and your kingdom, to diſpoſe of
" the militia by the authority of both houſes, in ſuch man-
" ner as hath been propounded to your majeſty, and they re-
" ſolve to do it accordingly.

" They likewiſe moſt humbly beſeech your majeſty to be-
" lieve, that the dangerous and deſperate deſign upon the
" houſe of commons, mentioned in their preamble, was not
" inſerted with any intention to caſt the leaſt aſperſion upon
" your majeſty, but herein they reflected upon that malig-
" nant party, of whoſe bloody and malicious practices they
" have had ſo often experience, and from which they can
" never be ſecure, unleſs your majeſty will be pleaſed to put
" from you thoſe wicked and unfaithful counſellors, who
" interpoſe their own corrupt and malicious deſigns betwixt
" your majeſty's goodneſs and wiſdom, and the proſperity
" and contentment of yourſelf, and of your people: and
" that for the diſpatch of the great affairs of the kingdom,
" the ſafety of your perſon, the protection and comfort of
" your ſubjects, you will be pleaſed to continue your abode
" near to London, and the parliament, and not to withdraw
" yourſelf to any the remoter parts: which if your majeſty
" ſhould do, muſt needs be a cauſe of great danger and di-
" ſtraction [x].

" That your majeſty will likewiſe be graciouſly pleaſed
" to continue the prince his highneſs in theſe parts at St.
" James's, or any other of your houſes near London [y],

[x] Before the king left London, ſir Richard Gurney lord-mayor, and ſome of the principal citizens, waited upon him, and engaged, if he would ſtay, to guard him with ten thouſand men, if occaſion were; and told him, if he went, he would leave the city open for the members to do as they pleaſed, and that they were ſure to be firſt undone; the king told them he was reſolved. R. Coke, p. 341.

[y] The king, upon his coming to Greenwich, had ſent to William Seymour, marquis of Hertford (lately made governor to the prince, in the room of the earl of Newcaſtle) to bring the prince to him, at which the parliament it ſeems took exception. Clarendon, tom. i. p. 332. 340.

Charles I. 1641-2. "whereby the deſigns which the enemies of the religion and peace of this kingdom may have upon his perſon, and the jealouſies and fears of your people, may be prevented. And they beſeech your majeſty to be informed by them, that by the laws of the kingdom, the power of raiſing, ordering, and diſpoſing of the militia, within any city, town, or other place, cannot be granted to any corporation by charter, or otherwiſe, without the authority and conſent of parliament; and that thoſe parts of the kingdom which have put themſelves in a poſture of defence againſt the common danger, have therein done nothing but according to the declaration and direction of both houſes, and what is juſtifiable by the laws of the kingdom.

"All which, their moſt humble counſel and deſires, they pray your majeſty to accept, as the effect of that duty and allegiance which they owe unto you, and which will not ſuffer them to admit of any thoughts, intentions, or endeavours, but ſuch as are neceſſary and advantagious for your majeſty's greatneſs and honour, and the ſafety and proſperity of the kingdom, according to that truſt and power which the laws have repoſed in them."

Before I relate the king's anſwer, it will not be improper to make ſome remarks on this petition. My deſign being in this ſecond part of the reign of Charles I. to give the readers a true idea of the differences between the king and the parliament, that they may the better perceive the real grounds of the enſuing civil wars, I hope it will not be taken amiſs, that by remarks on the papers of both ſides, I point out ſome things which perhaps would not be generally obſerved.

Remarks on this petition.

In the firſt place, the imminent danger, the approaching ruin ſo much talked of by the parliament, was not ſo evident as they pretended. But they always ſuppoſed, there was a popiſh and malignant party, who had formed a deſign to ruin the kingdom and the proteſtant religion, and that the king's evil counſellors adviſed him to whatever could be advantagious to that party. I do not ſay this ſuppoſition was entirely falſe: but it may be ſaid at leaſt to be grounded upon bare conjectures. Beſides, theſe were only generals, under which the parliament concealed the true cauſe of their fears. They were apprehenſive, that the king by ſecret practices, would ſecure the forts and magazines, as it was well known he intended it, and raiſe an army. Nay, it could not be doubted, that conſidering his preſent ſtate, he would have done it, had

it

t been in his power. It will be ſeen hereafter that he had thought of it, before the time I am ſpeaking of. But when this petition was preſented to him, he was only ſuſpected to have ſome great deſign in hand. He was therefore to be prevented by diſpoſing of the militia by the authority of both houſes, in order to be ready to oppreſs ſuch as ſhould declare for him, or to hinder them from declaring. But all this was coloured with the pretence of putting the kingdom in a poſture of defence againſt the plots of the malignants. For that reaſon, the pretended deſign of this malignant party was always expreſſed in general terms, without mention of any particulars, and great care was taken to refer to it all the king's actions, and all the events which could have any relation thereto. But it muſt be remembered, as I have often ſaid, that the parliament's intention was to diveſt the king of the greateſt part of his authority, and that the king's deſign was to ſcreen himſelf from the impending misfortunes, and in ſo doing, he would have put himſelf alſo in a ſtate of attacking, had he been ſuffered to do it. This is properly the key to the papers which were publiſhed on both ſides concerning the militia, though the king and the parliament endeavoured to varniſh their reſpective proceedings with pretences capable of dazzling the people. Charles I. 1641-2.

I ſhall remark in the ſecond place, that the parliament in this petition took no notice of the reaſons alledged by the king in his former anſwer. They were contented with always ſuppoſing the deſign of ſubverting religion and the laws, and with referring to that deſign the removal of the prince of Wales, and the abſence of the king from his parliament, to inſinuate that the king's reſtrictions to his promiſe were intended only to gain time, in order to favour the malignants.

Thirdly, the parliament's fears that the king's abſence concealed ſome hidden deſign were not groundleſs, as I ſaid, and as will hereafter appear.

All this ſhows, that the king and the parliament had but too much cauſe to miſtruſt one another. If the parliament, under colour of imminent danger to the kingdom, thought it incumbent on them to require, that the militia ſhould be put into ſuch hands as they could confide in, the king had no leſs reaſon to endeavour to hinder both houſes from uſurping a power, which was to ſerve to oppreſs him.

The king returned the following anſwer to the parliament's laſt petition:

Charles I. 1641-2.

"I am so much amazed at this message, that I know not "what to answer: you speak of jealousies and fears: lay "your hands to your hearts, and ask yourselves, whether I "may not likewise be disturbed with fears and jealousies: "and if so, I assure you this message hath nothing lessened "them.

The king's answer. March 2. Rushworth tom. iv. p. 524. Clarendon, tom. i. p. 344.

"For the militia, I thought so much of it before I sent "that answer, and am so much assured that the answer is "agreeable to what in justice or reason you can ask, or "I in honour grant, that I shall not alter it in any point.

"For my residence near you, I wish it might be so safe "and honourable, that I had no cause to absent myself from "Whitehall: ask yourselves whether I have not.

"For my son, I shall take that care of him, which shall "justify me to God as a father, and to my dominions as a "king.

"To conclude, I assure you upon my honour, that I have "no thought but of peace and justice to my people, which I "shall by all fair means seek to preserve and maintain, relying "upon the goodness and providence of God for the preser-"vation of myself and rights."

Remark on this answer.

It must be observed upon this answer, that the reason alledged by the king to justify his absence from Whitehall, namely, the riotous assemblies of the people of London, was plausible: but it was extremely weak, to prove the necessity of his residing at York. However he artfully confounded, under one and the same reason, his removal to York and his absence from London. We shall see presently the true reason of his retiring to York.

2. It is very likely, the king wished for peace, provided his prerogatives were untouched. But the parliament thought, in order to a lasting peace, the king's power was to be retrenched.

Upon this answer, it was resolved by the house of commons:

Votes of the commons. Rushworth, tom. iv. p. 524. Clarendon, tom. i. p. 343.

"1. That this answer of his majesty is a denial to the "desires of both houses of parliament concerning the mi-"litia.

"2. That those that advised his majesty to give this an-"swer, are enemies to the state, and mischievous projectors "against the defence of the kingdom.

"3. That this denial is of that dangerous consequence, "that if his majesty shall persist in it, it will hazard the peace "and safety of all his kingdoms, unless some speedy remedy

"be

" be applied by the wiſdom and authority of both houſes of parliament. Charles I. 1641-2.

" 4. That ſuch parts of this kingdom as have put themſelves into a poſture of defence againſt the common danger, have done nothing but what is juſtifiable, and is approved by the houſe.

" 5. That if his majeſty ſhall remove into any remote parts from his parliament, it will be a great hazard to the kingdom, and a great prejudice to the proceedings of the parliament.

" 6. That this houſe holds it neceſſary, that his majeſty may be deſired, that the prince may come unto St. James's, or to ſome other convenient place near or about London, and there to continue.

" 7. That the lords be deſired to join with this houſe in an humble requeſt unto his majeſty, that he will be pleaſed to reſide near his parliament, that both houſes may have a convenience of acceſs unto him upon all occaſions.

" 8. That the lords be moved to join with this houſe in ſome fit courſe of examination, to find who were the perſons that gave his majeſty this advice, that they may be removed from his majeſty, and brought to condign puniſhment.

" 9. That no charter can be granted by the king, to create a power in any corporation over the militia of that place, without conſent of parliament.

" 10. That the lords ſhall be moved to join with this houſe in theſe votes.

" 11. That the lords ſhall be deſired to appoint a ſelect committee, that may join with a committee of a proportionable number of this houſe, to conſider and prepare what is fit to be done upon theſe votes, or upon any thing elſe that may ariſe upon this anſwer of his majeſty concerning the militia, and concerning the prince."

The ſame day it was reſolved in the houſe of commons, Ruſhworth, tom. iv. p. 526.

" That the kingdom be forthwith put in a poſture of defence, by authority of both houſes, in ſuch a way as is already agreed upon by both houſes of parliament."

In purſuance of this reſolution, both houſes publiſhed the following ordinance for ſettling the militia:

" Whereas there hath been of late a moſt dangerous and deſperate deſign upon the houſe of commons, which we have juſt cauſe to believe to be an effect of the bloody counſels of papiſts and other ill-affected perſons, who have already The parliament's ordinance for the militia. March 5.

Charles I. 1641-2.

"already raised a rebellion in the kingdom of Ireland, and "by reason of many discoveries, we cannot but fear they will "proceed not only to stir up the like rebellion and insurrec- "tions in this kingdom of England, but also to back them "with forces from abroad.

Rushworth, tom. iv. p. 526. Clarendon, tom. i. p. 336.

"For the safety therefore of his majesty's person, the par- "liament, and kingdom, in this time of imminent danger, "it is ordained by the lords and commons now in parliament "assembled, that Henry earl of Holland shall be lieutenant "of the county of Berks, Oliver earl of Bullingbroke shall "be lieutenant of the county of Bedford, etc. And the said "lord lieutenants shall severally and respectively have power "to assemble and call together all and singular his majesty's "subjects within the said several and respective counties and "places, as well within liberties as without, that are meet "and fit for the wars, and them to train and exercise, and "put in readiness, and them, after their abilities and facul- "ties, well and sufficiently from time to time, to cause to "be arrayed and weaponed, and to take the muster of them "in places fit for that purpose. And that they shall seve- "rally and respectively have power, within the several and "respective counties and places aforesaid, to nominate and "appoint such persons of quality as to them shall seem meet, "to be their deputy-lieutenants, to be approved of by both "houses of parliament. And be it further ordained, that sir "John Gayre, sir Jacob Garret, knight, etc. shall have "such power and authority within the city of London, as "any of the lieutenants before named, are authorized to "have by this ordinance, within the said several and respec- "tive counties (the nomination and appointment of deputy- "lieutenants only excepted.) And it is further ordained, "that such persons as shall not obey in any of the premisses, "shall answer their neglect and contempt to the lords and "commons in a parliamentary way, and not otherwise, nor "elsewhere; and that every the powers granted as aforesaid, "shall continue, until it be otherwise ordered or declared "by both houses of parliament, and no longer."

These forces from abroad, mentioned in the ordinance, were a chimera, framed to amuse the people and make them believe the king would cause the realm to be invaded by foreigners. For though, very probably, the pope and cardinal Richlieu countenanced the Irish rebellion, it could not however be affirmed, they had formed a design to invade England in favour of the king.

R. Coke's Detect.

March

March the 9th, the king being at Newmarket, both houſes preſented the following declaration to him, which ſerved for reply to his anſwer. Charles I. 1641-2.

Declaration of both houſes preſented to the king at Newmarket, March 9, 1641-2.

" May it pleaſe your majeſty,

" ALTHOUGH the expreſſions in your majeſty's meſ- " ſage of the 2d of this inſtant March, do give juſt cauſe " of ſorrow to us, your faithful ſubjects the lords and com- " mons in parliament, yet it is not without ſome mixture " of confidence and hope, conſidering they proceeded from " the miſapprehenſion of our actions and intentions, which " having no ground of truth or reality, may by your majeſ- " ty's juſtice and wiſdom, be removed, when your majeſty " ſhall be fully informed, that thoſe fears and jealouſies of " ours, which your majeſty thinks to be cauſeleſs and with- " out any juſt ground, do neceſſarily and clearly ariſe from " thoſe dangers and diſtempers, into which the miſchievous " and evil councils about you have brought this kingdom; " and that thoſe other fears and jealouſies, by which your " favour, your royal preſence, and confidence have been " withdrawn from your parliament, have no foundation or " ſubſiſtance in any action, intention, or miſcarriage of ours, " but are merely grounded upon the falſhood and malice of " thoſe, who, for the ſupporting and fomenting their own " wicked deſigns againſt the religion and peace of the king- " dom, do ſeek to deprive your majeſty of the ſtrength and " affection of your people, them of your grace and protection, " and thereby to ſubject both your royal perſon and the whole " kingdom to ruin and deſtruction. Ruſhworth, tom. iv. p. 528. Clarendon, tom. i. p. 345.

" To ſatisfy your majeſty's judgment and conſcience in " both theſe points, we deſire to make a clear and free decla- " ration of the cauſes of our fears and jealouſies, which we " offer to your majeſty in theſe particulars:

" 1. That the deſign of altering religion in this and in " your other kingdoms, hath been potently carried on by " thoſe in greateſt authority about you, for divers years to- " gether: the queen's agent at Rome, and the pope's agent " or nuncio here, are not only evidences of this deſign, but " have been great actors in it.

" 2. That the war with Scotland was procured to make " way for this intent, and chiefly invited and fomented by

" the

Charles I. 1641-2.

" the papiſts, and others popiſhly affected, whereof we have " many evidences, eſpecially their free and general contri- " bution to it.

" 3. That the rebellion in Ireland was framed and con- " trived here in England, and that the Engliſh papiſts ſhould " have riſen about the ſame time, we have ſeveral teſtimonies " and advertiſements from Ireland; and that it is a common " ſpeech amongſt the rebels, wherewith concur other evidences " and obſervations of the ſuſpicious meetings and conſulta- " tions, the tumultuary and ſeditious carriage of thoſe of " that religion in divers parts of this kingdom, about the " time of the breaking out of the Iriſh rebellion; the depo- " ſition of O Conelly; the information of Mr. Cole, mi- " niſter; the letter of Triſtram Whitecombe; the depoſi- " tion of Thomas Grant, and many others, which we may " produce, do all agree in this: the public declarations of " the lords, gentlemen, and others of the Pale, that they " would join with the rebels, whom they call the Iriſh army, " or any other, to recover unto his majeſty his royal prero- " gative, wreſted from him by the puritan faction in the " houſes of parliament in England, and to maintain the ſame " againſt all others, as alſo to maintain epiſcopal juriſdic- " tion, and the lawfulneſs thereof: theſe two being quarrels " upon which his majeſty's late army in the north ſhould be " incenſed againſt us.

" The great cauſe we have to doubt, that that late deſign, " ſtyled the Queen's pious Intention, was for the alteration " of religion in this kingdom; for ſucceſs whereof, the " pope's nuncio, the count Roſetti, enjoined faſting and " praying to be obſerved every week by the Engliſh papiſts, " which appeared to us by one of the original letters, direct- " ed by him to a prieſt in Lancaſhire.

" The boldneſs of the Iriſh rebels in affirming they do " nothing but by authority from the king; that they call " themſelves the queen's army; that the prey or booty which " they take from the Engliſh, they mark with the queen's " mark; that their purpoſe was to come to England, after " they had done in Ireland; and ſundry other things of this " kind, proved by O Conelly, and divers others eſpecially " in the fore-mentioned letters from Triſtram Whitecombe, " the mayor of Kingſale, to his brother Benjamin White- " combe, wherein there is this paſſage, " That many other " ſtrange ſpeeches they utter about religion and our court of " England, which he dares not commit to paper.

" The

"The manifold attempts to provoke your majeſty's late army, and the army of the Scots, and to raiſe a faction in the city of London, and other parts of the kingdom; that thoſe who have been actors in thoſe buſineſſes, have had their dependance, their countenance, and encouragement from the court; witneſs the treaſon whereof Mr. Jermin and others ſtand accuſed, who was tranſported beyond ſea by warrant under your majeſty's hand, after your majeſty had given aſſurance to your parliament, that your majeſty had laid a ſtrict command upon all your ſervants, that none of them ſhould depart from court; and that dangerous petition delivered to captain Legg by your majeſty's own hand, accompanied with a direction ſigned with C. R. Charles I. 1641-2.

"The falſe and ſcandalous accuſation againſt the lord Kimbolton, and the five members of the houſe of commons, tendered to the parliament by your majeſty's own command, endeavoured to be juſtified in the city by your own preſence and perſuaſion, and to be put in execution upon their perſons by your majeſty's demand of them in the houſe of commons, in ſo terrible and violent a manner as far exceeded all former breaches of privileges of parliament acted by your majeſty or any of your predeceſſors; and whatſoever your intentions were, divers bloody and deſperate perſons, which attended your majeſty, diſcovered their affections and reſolutions to have maſſacred and deſtroyed the members of that houſe, if the abſence of thoſe perſons accuſed, had not, by God's providence, ſtopped the giving of that word which they expected, for the ſetting them upon that barbarous and bloody act; the lifting of ſo many officers and ſoldiers, and others, putting them into pay, and under command of colonels; feaſting and careſſing them in an unuſual manner at Whitehall, thereby maintaining them in the violent aſſaults and other injuries which they offered to divers of your ſubjects, coming that way in a lawful and peaceable manner; the carrying them out of town, after which they were told by the lord Digby, that the king removed on purpoſe that they might not be trampled in the dirt; and keeping them ſo long in pay, endeavouring to engage the gentlemen of the inns of court in the ſame courſe; the plotting and deſigning of a perpetual guard about your majeſty; the labouring to infuſe into your majeſty's ſubjects an evil opinion of the parliament through the whole kingdom, and other ſymptoms of a diſpoſition of raiſing arms, and dividing your people

"by

Charles I. 1641-2.

" by a civil war; in which combuſtion Ireland muſt needs
" be loſt, and this kingdom miſerably waſted and conſumed,
" if not wholly ruined and deſtroyed.

" That after a vote had paſſed in the houſe of commons,
" declaring that the lord Digby had appeared in a warlike
" manner at Kingſton upon Thames, to the terror and fright
" of your majeſty's good ſubjects, and diſturbance of the
" public peace of the kingdom; and that therefore the lords
" ſhould be moved to require his attendance, he ſhould ne-
" vertheleſs be of that credit with your majeſty, as to be
" ſent away by your own warrant to ſir John Pennington, to
" land him beyond the ſea, from whence he vented his own
" traiterous conceptions, that your majeſty ſhould declare
" yourſelf, and retire to a place of ſtrength in this kingdom,
" as if your majeſty could not be ſafe among your people;
" and withal took that tranſcendent boldneſs to write to the
" queen, offering to entertain correſpondence with her ma-
" jeſty by cyphers, intimating ſome ſervice which he might
" do in thoſe parts, for which he deſired your majeſty's in-
" ſtructions, whereby in probability he intended the pro-
" curing ſome foreign force to ſtrengthen your majeſty in
" that condition, into which he would have brought you;
" which falſe and malicious council and advice, we have
" great cauſe to doubt, made too deep an impreſſion in your
" majeſty, conſidering the courſe you are pleaſed to take of
" abſenting yourſelf from your parliament, and carrying the
" prince with you, which ſeems to expreſs a purpoſe in your
" majeſty to keep yourſelf in a readineſs for the acting
" of it.

" The manifold advertiſements which we have had from
" Rome, Venice, Paris, and other parts, that they ſtill ex-
" pect, that your majeſty has ſome great deſign in hand,
" for the altering of religion, the breaking the neck of your
" parliament, that you will yet find means to compaſs that de-
" ſign; that the pope's nuncio hath ſollicited the kings of
" France and Spain to lend your majeſty four thouſand men
" a piece, to help to maintain your royalty againſt the par-
" liament; and this foreign force, as it is the moſt perni-
" cious and malignant deſign of all the reſt, ſo we hope
" it is, and ſhall always be fartheſt from your majeſty's
" thoughts, becauſe no man can believe, you will give up
" your people and kingdom to be ſpoiled by ſtrangers, if you
" did not likewiſe intend to change both your own profeſſion
" in religion, and the public profeſſion of the kingdom, that ſo

" you

" you might ſtill be more aſſured of thoſe foreign ſtates of Charles I.
" the popiſh religion, for your future ſupport and defence. 1641-2.

" Theſe are ſome of the grounds of our fears and jealouſies, which make us ſo earneſtly to implore your royal " authority and protection for our defence and ſecurity, in " all the ways of humility and ſubmiſſion, which being denied by your majeſty, ſeduced by evil counſel, we do with " ſorrow, for the great and unavoidable miſery and danger " which thereby is like to fall upon your own perſon, and " your kingdoms, apply ourſelves to the uſe of that power " for the ſecurity and defence of both, which by the fundamental laws and conſtitutions of this kingdom reſides in " us; yet ſtill reſolving to keep ourſelves within the bounds " of faithfulneſs and allegiance to your ſacred perſon and your " crown: ſo as to the ſecond ſort of jealouſies and fears of " us expreſſed by your majeſty, we ſhall give a ſhorter, but as " true and as faithful an anſwer.

" Whereas your majeſty is pleaſed to ſay, that for your " reſidence near the parliament, you wiſh it may be ſo ſafe " and honourable, that you had no cauſe to abſent yourſelf " from Whitehall; this we take as the greateſt breach of " privilege of parliament that can be offered, as the heavieſt " miſery to yourſelf, and imputation upon us, that can be " imagined, and the moſt miſchievous effects of evil counſels: it roots up the ſtrongeſt foundation of the ſafety and " honour which your crown affords; it ſeems as much as " may be to caſt on the parliament ſuch a charge as is inconſiſtent with the nature of that great council, being the " body whereof your majeſty is the head; it ſtrikes at the " very being both of king and parliament, depriving your " majeſty, in your own apprehenſions, of their fidelity, and " them of your protection, which are the mutual bands and " ſupports of government and ſubjection.

" We have, according to your majeſty's deſire, laid our " hands upon our hearts; we have aſked ourſelves in the " ſtricteſt examination of our conſciences; we have ſearched our affections, our thoughts; conſidered our actions, " and we find none that can give your majeſty any juſt occaſion to abſent yourſelf from Whitehall and the parliament; " but that you may with more honour and ſafety continue " there than in any other place.

" Your majeſty lays a general tax upon us; if you will " be graciouſly pleaſed to let us know the particulars, we " ſhall give a clear and ſatisfactory anſwer; but what hope " can we have of ever giving your majeſty ſatisfaction, when

" thoſe

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" thoſe particulars which you have been made to believe " were true, yet being produced, and made known to us, " appeared to be falſe, and your majeſty notwithſtanding, " will neither puniſh, nor produce the authors, but go on to " contract new jealouſies and fears upon general and uncertain grounds, affording us no means or poſſibility of " particular anſwer, to the clearing of ourſelves? For proof " whereof, we beſeech your majeſty to conſider theſe inſtances:

" The ſpeeches alledged to be ſpoken in a meeting of divers members of both houſes at Kenſington, concerning a " purpoſe of reſtraining the queen and prince, which after it " was denied and diſavowed, yet your majeſty refuſed to " name the authors, though humbly deſired by both houſes.

" The report of articles framed againſt the queen's majeſty, given out by ſome of near relation to the court; but " when it was publicly and conſtantly diſclaimed, the credit " ſeemed to be withdrawn from it; but the authors being " kept ſafe, will always be ready for exploits of the ſame " kind, wherewith your majeſty and the queen will be often " troubled, if this courſe be taken to cheriſh and ſecure them " in ſuch wicked and malicious ſlanders.

" The heavy charge and accuſation of the lord Kimbolton, " and the five members of the houſe of commons, who re- " fuſed no trial or examination which might ſtand with the " privilege of parliament; yet no authors, no witneſſes, pro- " duced, againſt whom they may have reparation, for the " great injury and infamy caſt upon them; notwithſtanding " three ſeveral petitions of both houſes, and the authority " of two acts of parliament, vouched in the laſt of thoſe " petitions.

" We beſeech your majeſty to conſider in what ſtate you " are, how eaſy and fair a way you have to happineſs, ho- " nour, greatneſs, plenty, and ſecurity; if you will join " with the parliament, and your faithful ſubjects, in defence " of the religion and public good of the kingdom: This is " all we expect from you, and for this we ſhall return to " you our lives, fortunes, and uttermoſt endeavours to ſup- " port your majeſty, your juſt ſovereignty and power over " us; but it is not words that can ſecure us in theſe our " humble deſires: We cannot but too well, and ſorrowfully, " remember, what gracious meſſages we had from you " this ſummer, when, with your privity, the bringing up the " army was in agitation; we cannot but with the like affec- " tions recall to our minds, how, not two days before you

" gave directions for the above-mentioned accuſation, and Charles I.
" your own coming to the commons houſe, that houſe re- 1641-2.
" ceived from your majeſty a gracious meſſage, that you
" would always have a care of their privileges, as of your
" own prerogative, of the ſafety of their perſons as of
" your own children. That which we expect, which will
" give us aſſurance that you have no thought but of peace
" and juſtice to your people, muſt be ſome real effect of
" your goodneſs to them, in granting thoſe things, which
" the preſent neceſſity of the kingdom doth enforce us to
" deſire: And in the firſt place, that your majeſty will be
" graciouſly pleaſed to put from you thoſe wicked and miſ-
" chievous counſellors, which have cauſed all theſe dangers
" and diſtractions, and to continue your own reſidence, and
" the prince's, near London, and the parliament; which we
" hope will be a happy beginning of contentment and con-
" fidence betwixt your majeſty and your people, and be
" followed with many ſucceeding bleſſings of honour and
" greatneſs to your majeſty, and of ſecurity and proſperity to
" them.

" The lords and commons have commanded us to preſent
" unto your majeſty this farther addition, to their former de-
" claration.

" That your majeſty's return and continuance near the
" parliament, is a matter in their apprehenſion of ſo great
" neceſſity and importance, toward the preſervation of your
" royal perſon and your kingdoms, that they cannot think
" they have diſcharged their duties, in the ſingle expreſſion
" of their deſire, unleſs they add ſome farther reaſons to back
" it with.

" 1. Your majeſty's abſence will cauſe men to believe,
" that it is out of deſign to diſcourage the undertakers, and
" hinder the other proviſions for raiſing money for defence
" of Ireland.

" 2. It will very much hearten the rebels there, and diſ-
" affected perſons in this kingdom, as being an evidence and
" effect of the jealouſies and diviſions betwixt your majeſty
" and your people.

" 3. That it will much weaken and withdraw the af-
" fection of the ſubjects from your majeſty, without which
" a prince is deprived of his chiefeſt ſtrength and luſtre, and
" left naked to the greateſt dangers and miſeries, that can be
" imagined.

" 4. That it will invite and encourage the enemies of
" our religion, and the ſtates in foreign parts, to the at-

" tempting

Charles I. 1641-2.

"tempting and acting their evil deſigns and intentions towards us.

"5. That it cauſeth a great interruption in the proceedings "of parliament.

"Theſe conſiderations threaten ſo great dangers to your "majeſty's perſon, and to all your dominions, that, as your "majeſty's great council, they hold it neceſſary to repreſent to "you this their faithful advice, that ſo whatſoever followeth, "they may be excuſed before God and man."

It is needleſs to make any particular remarks on this declaration. The following anſwers and replies will beſt explain the nature of the quarrel between the king and the parliament, and the arguments of both.

It muſt only be obſerved in general, that according to the cuſtom of contending parties, each inſiſted largely upon the points that were favorable, and lightly touched upon ſuch as were diſadvantagious, or even paſſed them over entirely in their anſwers and replies.

Thus much is certain, that in the preſent ſituation of affairs, the king and the parliament had but too much cauſe to miſtruſt one another, and that each laboured to procure ſuch advantages, as might enable them to attack or defend. As for the declarations, meſſages, anſwers, replies, theſe were only for the people, it being the intereſt of each to gain and amuſe them. But herein the parliament had a great advantage, by reaſon of the people's prejudice againſt the king, to which he oppoſed only general promiſes, whereof he could give no aſſurance. This was very advantagious to the parliament, who pretended, that in order to truſt in ſuch promiſes, it was neceſſary the king ſhould begin with diveſting himſelf of what enabled him to break them. Hence may be ſeen, how perplexed this affair was.

When the committees of both houſes preſented to the king the foregoing declaration, and after it was read in his preſence, he returned this extempore general anſwer.

The king's anſwer given extempore, March 9. Ruſhworth, iv. p. 432. Clarendon, t. i. p. 351.

"I Am confident that you expect not I ſhould give you a "ſpeedy anſwer to this ſtrange and unexpected declaration; "and I am ſorry (in the diſtraction of this kingdom) you "ſhould think this way of addreſs to be more convenient, "than that propoſed by my meſſage of the 20th of January laſt, to both houſes.

"As concerning the grounds of your fears and jealouſies, "I will take time to anſwer particularly, and doubt not but "I ſhall

"I ſhall do it to the ſatisfaction of all the world. God, in his good time, will, I hope, diſcover the ſecrets and bottoms of all plots and treaſons; and then I ſhall ſtand right in the eyes of my people; in the mean time I muſt tell you, that I rather expected a vindication for the imputation laid on me in Mr. Pym's ſpeech, than that any more general rumours and diſcourſes ſhould get credit with you. Charles I. 1641-2.

"For my fears and doubts, I did not think they ſhould have been thought ſo groundleſs or trivial, while ſo many ſeditious pamphlets and ſermons are looked upon, and ſo great tumults are remembred, unpuniſhed, uninquired into: I ſtill confeſs my fears, and call God to witneſs that they are greater for the true proteſtant profeſſion [y], my people and laws, than for my own rights or ſafety; though I muſt tell you, I conceive that none of theſe are free from danger.

"What would you have? Have I violated your laws? Have I denied to paſs any bill for the eaſe and ſecurity of my ſubjects? I do not aſk you, what you have done for me.

"Have any of my people been tranſported with fears and apprehenſions? I have offered as free and general pardon, as yourſelves can deviſe. All this conſidered, there is a judgment from heaven upon this nation, if theſe diſtractions continue.

"God ſo deal with me and mine, as all my thoughts and intentions are upright, for the maintenance of the true proteſtant profeſſion, and for the obſervation and preſervation of the laws of this land; and I hope God will bleſs and aſſiſt thoſe laws for my preſervation.

"As for the additional declaration, you are to expect an anſwer to it, when you ſhall receive the anſwer to the declaration itſelf."

On the morrow, the king gave the general anſwer to the committee in writing, which he had delivered by word of mouth the day before.

After that, the earl of Pembroke, one of the committee, aſking him, whether he would grant the militia, as was deſired by the parliament, for a time? "No; anſwered the king, by God, not for an hour [z]." This anſwer did

The king gives the deputies this anſwer in writing. Ruſhworth, iv. p. 533.

The king's raſh anſwer to the earl of Pembroke. Ibid.

[y] He meant the church of England, in oppoſition to preſbyterianiſm. Rapin.

[z] Adding, "You have aſked that "of me in this, was never aſked of "any king, and with which I will not "truſt my wife and children." Ruſhworth, tom. iv. p. 533.

Charles I. 1641-2. him great injury. His principal concern was to ſatisfy the people, that his word might be relied upon, and yet he ſhowed, he had no intention to keep his promiſe to the parliament, to grant the militia, when he ſhould know for how long a term, ſince he refuſed to grant it even for an hour.

Clarendon, t. i. p. 352.

If the parliament had hitherto placed but little confidence in the king's promiſes, this did not help to increaſe it. On the other hand, the harſh and diſreſpectful treatment of the king by both houſes, in their declaration, very much incenſed him, and rendered a rupture unavoidable. For my part, I verily believe, that the hard things ſaid by the parliament to the king in the declaration, were inſerted by the direction of ſome of the leaders of the party, on purpoſe to widen the breach, and make a reconciliation impracticable. For, it is to be preſumed, if the king had then granted the militia for two or three months, both houſes would have ſcarce known what uſe to have made of it. They would have had no pretence to employ it againſt him, ſince he would have clearly ſhowed, it was not his fault that their fears were not removed. But it is certain, he had to deal with abler heads than himſelf and his council. Beſides, he was then full of his deſign to ſeize Hull, which hindered him, doubtleſs, from ſeriouſly attending to what was moſt for his advantage.

The king informs the houſe of his deſign to reſide at York.

Ruſhworth, iv. p. 533. Clarendon, t. i. p. 353.

March the 15th, the king being at Huntington, ſent a meſſage to both houſes, to inform them, that he intended to reſide at York for ſome time. He recommended to them at the ſame time the affairs of Ireland. As to the militia, he told them, "That as he had always been ſo tender of the "privileges of parliament, that he had been ready and forward to retract any act of his own, which he had been informed had trencht upon their privileges; ſo he expected "an equal tenderneſs in them, of his known and unqueſtionable privileges; amongſt which, he was aſſured it is a "fundamental one, "That his ſubjects cannot be obliged "to obey any act, order, or injunction, to which his majeſty "hath not given his conſent:" That therefore, he expected "and required obedience from all his ſubjects, to the laws "eſtabliſhed, being reſolved to keep the laws himſelf, and to "require obedience to them from all his ſubjects."

Votes of the houſe of commons, March 16

The next day, the commons paſſed the following votes, which were approved by the lords.

"That the houſe ſhould inſiſt upon their former votes con-"cerning the militia.

"That

" That the king's abſence, ſo far remote from his par- Charles I.
" liament, was not only an obſtruction, but might be a de- 1641-2.
" ſtruction to the affairs of Ireland.

" That when the parliament [a], which is the ſupreme
" court of judicature in the kingdom, ſhall declare what the
" law of the land is, to have this not only queſtioned and
" controverted, but contradicted; and a command that it
" ſhould not be obeyed, is a high breach of the privilege
" of parliament. (I.)

REMARK (I.) The commons uſe here the equivocal word [parliament] in an improper ſenſe. It is true, the parliament, which conſiſts of the king and the two houſes, has a right to declare what is law; to make new and repeal old laws, becauſe the authority of both houſes, with the royal aſſent, is deemed the authority of the whole kingdom. But the two houſes alone had never enjoyed this right. Nay, in ſtrictneſs, the two houſes cannot be called the parliament, becauſe the parliament is a body compoſed of three members, and not two only, namely, king, lords, and commons.

" That a committee ſhall be appointed by the houſe to
" join with a committee of lords to enquire where this meſ-
" ſage was framed.

" That thoſe perſons that did adviſe his majeſty to abſent
" himſelf from the parliament are enemies to the peace of
" this kingdom, and juſtly ſuſpected to be favourers of the
" rebellion in Ireland, as are alſo thoſe that adviſed his ma-
" jeſty to this meſſage."

It was at the ſame time unanimouſly reſolved upon the queſtion by the lords in parliament,

" That the ordinance of the lords and commons in par- Votes of the
" liament for the ſafety and defence of the kingdom of Eng- lords.
" land and dominions of Wales, is not any way againſt the Ibid.
" oath of allegiance. Clarendon, t. i. p. 354.

" That the ſeveral commiſſions granted under the great
" ſeal to the lieutenants of the ſeveral counties, are illegal
" and void.

" That whoſoever ſhall execute any power over the militia
" of this kingdom and dominion of Wales, by colour of
" any commiſſion of lieutenancy, without conſent of both
" houſes of parliament, ſhall be accounted a diſturber of the
" peace of this kingdom.

" Moreover, both houſes voted with one common conſent,
" That the kingdom hath been of late, and ſtill is, in ſo

[a] In Ruſhworth the words are, " parliament." Ruſhworth, tom. iv. p. 534.

Charles I. 1641-2. "evident and imminent danger, both from enemies abroad, "and a popish party at home, that there is an urgent and "inevitable necessity of putting his majesty's subjects into a "posture of defence, for the safeguard both of his majesty "and his people.

"That the lords and commons fully apprehending this "danger, and being sensible of their own duty, to provide a "suitable prevention, have in several petitions addressed "themselves to his majesty for the ordering and disposing "of the militia of the kingdom, in such a way, as was "agreed upon by the wisdom of both houses to be most "effectual and proper for the present exigents of the king-"dom; yet could not obtain it, but his majesty did several "times refuse to give his royal assent thereunto.

"That in this case of extreme danger, and of his majesty's "refusal, the ordinance agreed on by both houses for the "militia, doth oblige the people, and ought to be obeyed "by the fundamental laws of this kingdom.

"That such persons as shall be nominated deputy-lieu-"tenants, and approved of by both houses, shall receive the "commands of both houses to take upon them to execute "their offices [b]."

These resolutions were taken with great precipitation, for the two houses had not yet received the king's answer to their declaration of the 9th of March. But as by his last message the king had sufficiently shown, he intended not to depart from his right concerning the militia, they thought it needless to wait for a more particular notification. Some time after, the king sent them this answer in form of a declaration.

"The king's declaration to both houses of parliament, in "answer to that presented to him at Newmarket, March "9, 1641-2 [c].

Rushworth, iv. p. 531. Clarendon, t. i. p. 361. "THOUGH the declaration lately presented to us, at "Newmarket from both our houses of parliament, be of "so strange a nature, in respect of what we expected, (after

[b] In the votes the commons received great encouragement and confirmation from the opinions of Mr. Pym, Hampden, Hollis, Stapleton, and of St. John, Corbet, Lisle, &c. and chiefly from the confident opinion of the lord-keeper Littleton, concurring with them. Whitelocke, p. 57.

[c] This declaration is without date, it was sent from York a few days after his coming thither. Clarendon, tom. i. p. 361.

"so

" ſo many acts of grace and favour to our people) and ſome Charles I.
" expreſſions in it ſo different from the uſual language to 1641-2.
" princes, that we might well take a very long time to
" conſider it: Yet the clearneſs and uprightneſs of our
" conſcience to God, and love to our ſubjects, hath ſupplied
" us with a ſpeedy anſwer, and our unalterable affection to
" our people, prevailed with us to ſuppreſs that paſſion,
" which might well enough become us upon ſuch an invi-
" tation.

" We have conſidered our anſwer of the firſt of this
" month at Theobalds, which is urged to have given juſt
" cauſe of ſorrow to our ſubjects. Whoſoever looks over
" that meſſage, (which was in effect to tell us, that if we
" would not join with them in an act we conceived prejudi-
" cial and dangerous to us and the whole kingdom, they
" would make a law without us, and impoſe it upon our
" people) will not think that ſudden anſwer can be ex-
" cepted to.

" We have little encouragement to replies of this nature,
" when we are told of how little value our words are like
" to be with you; though they come accompanied with all
" the actions of love and juſtice, (where there is room for
" actions to accompany them) yet we cannot but diſawow
" the having any ſuch evil council and counſellors to our
" knowledge, as are mentioned; and if any ſuch be diſco-
" vered, we will leave them to the cenſure and judgment of
" our parliament: In the mean time we could wiſh, that our
" own immediate actions which we avow, and our honour
" might not be ſo roughly cenſured and wounded, under that
" common ſtile of evil counſellors.

" For our faithful and zealous affection for the true pro-
" teſtant profeſſion, and our reſolution to concur with our
" parliament in any poſſible courſe for the propagation of it,
" and the ſuppreſſion of popery, we can ſay no more than
" we have already expreſſed in our declaration to all our lov-
" ing ſubjects, publiſhed in Ireland by the advice of our
" privy-council; in which we endeavoured to make as lively
" a confeſſion of ourſelf in this point, as we were able, be-
" ing moſt aſſured, that the conſtant practice of our life hath
" been anſwerable thereunto; and therefore we did rather
" expect a teſtimony and acknowledgment of ſuch our zeal
" and piety, than thoſe expreſſions we met with in this decla-
" ration of any deſign of altering religion in this kingdom;
" and we do (out of the innocence of our ſoul) wiſh, that

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" the judgments of heaven may be manifeſted upon thoſe " who have, or had any ſuch deſign. (1.)

Remark (1.) This article of the king's anſwer ſeems very weak. For the parliament having ſet forth, in their declaration, the reaſons why they believed there was a ſettled deſign to alter religion in England, and that the king encouraged the authors, his majeſty only anſwers in generals.

" As for the Scotch troubles, we had well thought, that " thoſe unhappy differences had been wrapt up in perpetual " ſilence by the act of oblivion, which being ſolemnly paſſed " in the parliaments of both kingdoms, ſtops our mouth from " any other reply, than to ſhew our great diſlike for revi- " ving the memory thereof. (2.)

Rem. (2). It is very viſible, the king avoids entering into particulars upon this head, though being attacked by the parliament, he might have vindicated himſelf without infringing the peace between the two kingdoms, or the act of oblivion.

" If the rebellion in Ireland, (ſo odious to all chriſtians) " ſeems to have been framed and maintained in England, or " to have any countenance from hence, we conjure both our " houſes of parliament, and all our loving ſubjects whatſo- " ever, to uſe all poſſible means to diſcover and find ſuch out, " that we may join in the moſt exemplary vengeance upon " them that can be imagined; but we muſt think ourſelves " highly and cauſeleſly injured in our reputation, if any de- " claration, action or expreſſion of the Iriſh rebels, any let- " ters from count Roſetti to the papiſts for faſting and pray- " ing, or from Triſtram Whitecombe, of ſtrange ſpeeches " uttered in Ireland, ſhall beget any jealouſy or miſapprehen- " ſion in our ſubjects of our juſtice, piety and affection, it " being evident to all underſtandings, that thoſe miſchievous " and wicked rebels are not ſo capable of great advantage, as " by having their falſe diſcourſes ſo far believed, as to raiſe " fears and jealouſies to the diſtraction of this kingdom, the " only way to their ſecurity: and we cannot expreſs a deeper " ſenſe of the ſuffering of our poor proteſtant ſubjects in that " kingdom, than we have done in our often meſſages to both " houſes, by which we have offered, and are ſtill ready to " venture our royal perſon for their redemption; well know- " ing, that as we are (in our own intereſt) more concerned " in them, ſo we are to make a ſtrict account to almighty " God, for any neglect of our duty, or their preſervation. (3).

Rem. (3). The king continues here to clear himſelf from the ſuſpicions conceived of him with regard to Ireland, by generals and his own teſtimony. But theſe proofs taken from his

his word, and his other outward demonſtrations, were not ſufficient to ſatisfy every one. The parliament did not accuſe him of being wanting in expreſſions of zeal for the reducing of Ireland, but of really neglecting it. Charles I. 1641-2.

" For the manifold attempts to provoke our late army, and " the army of the Scots, and to raiſe the faction in the city of " London, and other parts of the kingdom; if it be ſaid, as " relating to us, we cannot without great indignation ſuffer " ourſelves to be reproached, to have intended the leaſt force " or threatning to our parliament, as the being privy to the " bringing up of the army would imply; whereas we call " God to witneſs, we never had any ſuch thought, or knew " of any ſuch reſolution concerning our late army. (4).

Rem. (4). We have ſeen in the account of that conſpiracy, what were the ſeveral projects of the conſpirators, and that indeed they came to no reſolution, particularly as to the bringing up the army to London. The king certainly knew all the circumſtances of the plot, but as there was nothing reſolved, he artfully confines himſelf here to the denying that he was privy to any reſolution, which is very true, for there was no reſolution taken. But however, he knew of the deſign in general to gain the army, of which he ſays not a word.

" For the petition ſhewed to us by captain Legg, we well " remember the ſame, and the occaſion of that conference: " captain Legg being lately come out of the North, and re- " pairing to us at Whitehall; we aſked him of the ſtate of " our army, and (after ſome relation made of it) he told us, " that the commanders and officers of the army had a mind " to petition the parliament, as others of our people had " done, and ſhewed us the copy of a petition, which we read, " and finding it to be very humble, deſiring the parliament " might receive no interruption in the reformation of the " church and ſtate, to the model of queen Elizabeth's days; " we told him, we ſaw no harm in it; whereupon he re- " plied, that he believed all the officers in the army would " like it, only he thought ſir Jacob Aſhly would be unwil- " ling to ſign it, out of fear that it might diſpleaſe us. We " then read the petition over again, and then obſerving that " neither in matter or form, we conceived it could poſſibly " give juſt cauſe of offence, we delivered it to him again, " bidding him give it to ſir Jacob Aſhly, for whoſe ſatisfac- " tion we had written C. R. upon it, to teſtify our appro- " bation: and we wiſh that the petition might be ſeen and " publiſhed, and then we believe it will appear no dangerous

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" one, nor a juſt ground for the leaſt jealouſies or miſap-
" prehenſion. (5).

Rem. (5). If we compare what the king ſays here of the contents of this petition, with that inſerted by the lord Clarendon in his hiſtory, we ſhall find the lord Clarendon's petition cannot be the ſame as that ſigned by the king with C. R. The king's word muſt be taken, to believe that this petition had nothing in it prejudicial to the parliament. For hitherto it has never appeared.

" For Mr. Jermin, it is well known that he was gone
" from Whitehall, before we received the deſires of both
" houſes for the reſtraint of our ſervants, neither returned he
" thither, or paſſed over by any warrant granted by us after
" that time. (6).

Rem. (6). It is certain, Jermin went beyond ſea by the king's warrant. It may be, the king had granted the warrant before he received the parliament's petition: but the parliament pretended the warrant was antedated.

" For the breach of privilege in the accuſation of the lord
" Kimbolton, and the five members of the houſe of com-
" mons, we thought we had given ſo ample ſatisfaction in
" our ſeveral meſſages to that purpoſe, that it ſhould be no
" more preſſed againſt us; being confident, if the breach of
" privilege had been greater than ever before offered, our ac-
" knowledgment and retraction hath been greater than ever
" king hath given; beſides the not examining how many of
" our privileges have been invaded in defence and vindica-
" tion of the other; and therefore we hoped our true and
" earneſt proteſtation in our anſwer to your order concerning
" the militia, would ſo far have ſatisfied you of our intentions
" then, that you would no more have entertained any imagi-
" nation of any other deſign than we there expreſſed. (7).

Rem. (7). The king was much miſtaken in imagining that bare proteſtations were capable of ſatisfying the parliament of the ſincerity of his intentions. Nay, the very declaration he was anſwering, might have convinced him of the contrary, ſince it was there ſaid in plain terms, his word was not to be relied on.

" But why the liſting of ſo many officers, and entertaining
" them at Whitehall, ſhould be miſ-conſtrued, we much
" marvel, when it is notoriouſly known, the tumults at Weſt-
" minſter were ſo great, and their demeanors ſo ſcandalous
" and ſeditious, that we had good cauſe to ſuppoſe our own
" perſon, and thoſe of our wife and children, to be in ap-
" parent danger, and therefore we had great reaſon to ap-

" point

" point a guard about us, and to accept the dutiful tender Charles I.
" of the ſervices of any of our loving ſubjects, which was all 1641-2.
" we did to the gentlemen of the inns of court.

" For the lord Digby, we aſſure you in the word of a " king, that he had not our warrant to paſs the ſeas, and had " left our court before we ever heard of the vote of the houſe " of commons, or had any cauſe to imagine, that his ab- " ſence would have been excepted againſt.

" What your advertiſements are from Rome, Venice, Paris, " and other parts, or what the pope's nuncio ſollicits the " kings of France or Spain to do, or from what perſons ſuch " informations come to you, or how the credit and reputa- " tion of ſuch perſons have been ſifted and examined, we " know not; but are confident no ſober, honeſt man in our " kingdoms can believe, that we are ſo deſperate, or ſo ſenſe- " leſs to entertain ſuch deſigns, as would not only bury this " our kingdom in ſudden diſtraction and ruin, but our own " name and poſterity in perpetual ſcorn and infamy; and " therefore we could have wiſhed, that in matters of ſo high " and tender a nature (wherewith the minds of our good " ſubjects muſt needs be ſtartled) all the expreſſions were ſo " plain and eaſy, that nothing might ſtick with them with re- " flection upon us, ſince you thought fit to publiſh it all.

" And having now dealt thus plainly and freely with you " by way of anſwer to the particular grounds of your fears, " we hope (upon a due conſideration, and weighing both to- " gether) you will find not the grounds to be of that mo- " ment to beget, or longer to continue a miſunderſtanding " betwixt us, or force you to apply yourſelves to the uſe of " any other power than what the law hath given you, the " which we always intend ſhall be the meaſure of our own " power, and expect it ſhall be the rule of our ſubjects obe- " dience.

" Concerning our fears and jealouſies; as we had no in- " tention of accuſing you, ſo are we ſure no words ſpoken " by us (on the ſudden) at Theobalds, will bear that inter- " pretation. We ſaid, for our reſidence near you, we wiſh " it might be ſo ſafe and honourable, that we had no cauſe " to abſent ourſelf from Whitehall; and how this can be a " breach of privilege of parliament, we cannot underſtand. " We explained our meaning in our anſwer at Newmarket, " at the preſentation of this declaration, concerning the print- " ed ſeditious pamphlets and ſermons, and the great tumults " at Weſtminſter; and we muſt appeal to you and all the " world, whether we might not juſtly ſuppoſe ourſelf in

" danger

Charles I. 1641-2.

" danger of either: and if we were now at Whitehall, what " ſecurity have we that the like ſhall not be again, eſpecially if " any delinquents of that nature have been apprehended by " the miniſters of juſtice, and been reſcued by the people, " and ſo as yet eſcape unpuniſhed? If you have not been in- " formed of the ſeditious words uſed in, and the circum- " ſtances of thoſe tumults, and will appoint ſome way for " the examination of them, we will require ſome of our " learned council to attend with ſuch evidence as may ſatisfy " you, and till that be done, or ſome other courſe be taken " for our ſecurity, you cannot (with reaſon) wonder that we " intend not to be, where we moſt deſire to be.

" And can there yet want evidence of our hearty and im- " portunate deſire to join with our parliament and all our " faithful ſubjects, in defence of the religion and public good " of the kingdom? Have we given you no other earneſt but " words, to ſecure you of theſe deſires? The very remon- " ſtrance of the houſe of commons (publiſhed in November " laſt) of the ſtate of the kingdom, allows us a more real " teſtimony of our good affections than words: that remon- " ſtrance valued our acts of grace and juſtice (8) at ſuch a " a rate, that it declared the kingdom to be then a gainer, " though it charged itſelf by bills of ſubſidies, and poll-money, " with the levy of ſix hundred thouſand pounds, beſides the " contracting of a debt to our Scotch ſubjects of two hun- " dred and twenty thouſand pounds. (9).

Rem. (8.) Hitherto the king had ſpoken of his aſſent to the acts of this parliament, but as acts of grace. He began in this paper to add, of juſtice.

Rem. (9) It is true the nation had been great gainers by theſe acts of grace and juſtice. But the king could not repreſent as a convincing proof of his love for his people, his conſent that the illegal taxes of his own impoſing ſhould be aboliſhed, and the monopolies authorized by himſelf ſuppreſſed. Eſpecially as it was not entirely in his power to refuſe his aſſent.

" Are the bills for the triennial parliament, relinquiſhing " our title of impoſing upon merchandize, and power of preſ- " ſing ſoldiers, for the taking away the ſtar-chamber, and " high commiſſion courts, for the regulating of the council- " table, but words? Are the bills for the foreſts, the ſtan- " nery-courts, the clerk of the market, and the taking away " the votes of the biſhops out of the lords houſe, but words? " Laſtly, what greater earneſt of our truſt and reliance on " our parliament could or can we give, than the paſſing of a

" bill

" bill for the continuance of this preſent parliament? The Charles I.
" length of which we hope will never alter the nature of par- 1641-2.
" liaments, and the conſtitution of this kingdom, or invite
" our ſubjects ſo much to abuſe our confidence, as to eſteem
" any thing fit for this parliament to do, which were not, if
" it were in our power to diſſolve it to-morrow. And after
" all theſe, and many other acts of grace on our part (that
" we might be ſure of a perfect reconciliation betwixt us and
" all our ſubjects) we have offered, and are ſtill ready to
" grant, a free and general pardon, as ample as yourſelves ſhall
" think fit. Now if theſe be not real expreſſions of the affec-
" tion of our ſoul, for the public good of our kingdom, we
" muſt confeſs, that we want ſkill to manifeſt them. (10).

Rem. (10.) A ſort of ſophiſtry runs quite through this article, conſiſting in the ſuppoſition that the king had conſented to all theſe acts, out of love and affection for his people, which few perſons believed. Beſides, all theſe acts having been made only to ſuppreſs the abuſes introduced by the king himſelf, there was no occaſion, it ſeems, to talk ſo much of them.

" To conclude (although we think our anſwer already full
" to that point) concerning our return to London; we are
" willing to declare, that we look upon it as a matter of ſo
" great weight, as with reference to the affairs of this king-
" dom, and our own inclinations and deſires, that if all we
" can ſay or do, can raiſe a mutual confidence (the only
" way with God's bleſſing to make us all happy) and by your
" encouragement the laws of the land, and the government
" of the city of London, may recover ſome life for our ſecu-
" rity, we will overtake your deſires, and be as ſoon with you
" as you can wiſh; and in the mean time we will be ſure
" that neither the buſineſs of Ireland, or any other advantage
" for this kingdom, ſhall ſuffer through our default, or by
" our abſence; we being ſo far from repenting the acts of
" our juſtice and grace, which we have already performed to
" our people, that we ſhall with the ſame alacrity be ſtill
" ready to add ſuch new ones, as may beſt advance the peace,
" honour, and proſperity of this nation."

Before the parliament received this anſwer, they ſent another petition to the king in reply to his ſudden anſwer to the declaration delivered at Newmarket. Though theſe anſwers and replies be long and full of repetitions, yet I think it neceſſary to inſert them at large, that the reader may be able to paſs an impartial judgment upon this quarrel. For in affairs of this nature, and eſpecially in this which has given birth to

two

Charles I. 1641-2. two parties ſtill ſubſiſting in England, there is great danger of being miſled, if the honeſty and prejudices of the hiſtorians, who are all of one or other party, be relied on. It will be better therefore to leave the reader at liberty to judge upon the parties own papers. Here follows the parliament's petition.

" May it pleaſe your majeſty,

1642. The reply of both houſes to the king's anſwer given to their declaration. March 26. Ruſhworth, iv. p. 538. Clarendon, t. i. p. 367.

" YOUR majeſty's loyal ſubjects, the lords and commons " in parliament, cannot conceive, that the declaration " which your majeſty received from us at Newmarket, was " ſuch as did deſerve that cenſure, your majeſty was pleaſed " to lay upon us in that ſpeech, which your majeſty made to " our committees there, and ſent in writing to both houſes; " our addreſs therein being accompanied with plainneſs, hu- " mility, and faithfulneſs, we thought more proper for the " removing the diſtraction of the kingdom, than if we had " then proceeded according to your majeſty's meſſage of the " 20th of January, by which your majeſty was pleaſed to " deſire, that we would declare, what we intended to do for " your majeſty, and what we expected to be done for our- " ſelves; in both which we have been very much hindred by " your majeſty's denial to ſecure us, and the whole king- " dom, by diſpoſing the militia, as we had divers times moſt " humbly petitioned; and yet we have not been altogether " negligent of either, having lately made good proceedings, " in preparing a book of rates to be paſſed in a bill of tun- " nage and poundage; and likewiſe the moſt material heads " of thoſe humble deſires, which we intend to make to your " majeſty, for the good and contentment of your majeſty, " and your people; but none of theſe could be perfected be- " fore the kingdom be put into ſafety, by ſettling the mili- " tia: and until your majeſty ſhall be pleaſed to concur with " your parliament in theſe neceſſary things, we hold it im- " poſſible for you to give the world, or your people, ſuch ſa- " tisfaction concerning the fears and jealouſies which we have " expreſſed, as we hope your majeſty hath already received, " touching that exception, which you were pleaſed to make " to Mr. Pym's ſpeech.

" As for your majeſty's fears and doubts, the ground where- " of is from ſeditious pamphlets and ſermons, we ſhall be as " careful to endeavour the removal, as ſoon as we ſhall un- " derſtand what pamphlets and ſermons are by your majeſty " intended, as we have been to prevent all dangerous tumults.

" And

" And if any extraordinary concourſe of people out of the Charles I.
" city of Weſtminſter, had the face and ſhew of tumult 1642.
" and danger in your majeſty's apprehenſion, it will appear
" to be cauſed by your majeſty's denial of ſuch a guard to your
" parliament, as they might have cauſe to confide in; and
" by taking into Whitehall ſuch a guard for yourſelf, as gave
" juſt cauſe of jealouſy to the parliament, and of terror and
" offence to your people; we ſeek nothing but your majeſty's
" honour, and the peace and proſperity of your kingdoms;
" and we are heartily ſorry we have ſuch plentiful matter of
" an anſwer to that queſtion, Whether you had violated our
" laws?

" We beſeech your majeſty to remember, that the govern-
" ment of this kingdom, as it was in a great part managed by
" your miniſters, before the beginning of this parliament,
" conſiſted of many continued and multiplied acts of viola-
" tion of the laws; the wounds whereof were ſcarcely healed,
" when the extremity of all thoſe violations was far exceed-
" ed, by the late ſtrange and unheard-of breach of our laws,
" in the accuſation of the lord Kimbolton, and five members
" of the commons houſe, and in the proceedings thereupon,
" for which we have received no full ſatisfaction.

" To your majeſty's next queſtion, whether you had de-
" nied any bill, for the eaſe and ſecurity of your ſubjects,
" we wiſh we could ſtop in the midſt of our anſwer; that
" with much thankfulneſs we acknowledge, that your ma-
" jeſty hath paſſed many good bills, full of contentment and
" advantage to your people; but truth and neceſſity inforceth
" us to add this, that even in or about the time paſſing
" thoſe bills, ſome deſign or other hath been on foot; which
" if it had taken effect, would not only have deprived us of
" the fruit of thoſe bills, but have reduced us to a worſe
" condition of confuſion, than that wherein the parliament
" found us.

" And if your majeſty had aſked us the third queſtion, in-
" timated in that ſpeech, What we had done for yourſelf?
" Our anſwer would have been much more eaſy, That we
" had paid two armies, wherewith the kingdom was burthen-
" ed laſt year; and have undergone the charge of the war
" in Ireland, at this time, when through many other exceſ-
" ſive charges and preſſures, your ſubjects have been exhauſt-
" ed, and the ſtock of the kingdom very much diminiſhed;
" which great miſchiefs, and the charges thereupon enſuing,
" have been occaſioned by the evil counſels ſo powerful with
" your majeſty, which have, and will, coſt this kingdom

" more

Charles I. 1642.

"more than two millions, all which, in juſtice, ought to "have been borne by your majeſty.

"As for that free and general pardon your majeſty has "been pleaſed to offer, it can be no ſecurity to our fears and "jealouſies, for which your majeſty ſeems to propound it, "becauſe they ariſe not from any guilt of our own actions, "but from the evil deſigns and attempts of others.

"To this our humble anſwer to that ſpeech, we deſire to "add an information, which we lately received from the "deputy-governor of the merchant-adventurers at Rotterdam "in Holland; that an unknown perſon, appertaining to the "lord Digby, did lately ſollicite one James Henely, a mari-"ner, to go to Eleſnore, and to take charge of a ſhip in the "fleet of the king of Denmark, there prepared, which he "ſhould conduct to Hull; in which fleet likewiſe, he ſaid, "a great army was to be tranſported: and although we are "not apt to give credit to informations of this nature; yet "we cannot altogether think it fit to be neglected; but that "it may juſtly add ſomewhat to the weight of our fears and "jealouſies, conſidering with what circumſtances it is ac-"companied, with the lord Digby's preceding expreſſions in "his letter to her majeſty and ſir Lewis Dives, and your "majeſty's ſucceeding courſe of withdrawing yourſelf north-"wards from your parliament, in a manner very ſuitable "and correſpondent to that evil council, which we doubt "will make much deeper impreſſion in the generality of your "people; and therefore, we moſt humbly advile and beſeech "your majeſty, for the procuring and ſettling the confidence "of your parliament, and all your ſubjects, and for the other "important reaſons concerning the recovery of Ireland, and "ſecuring this kingdom, which have been formerly pre-"ſented to your majeſty; you will be graciouſly pleaſed (with "all convenient ſpeed) to return to theſe parts, and to cloſe "with the counſel and deſire of your parliament, where you "ſhall find their dutiful affections and endeavours ready to "attend your majeſty with ſuch entertainment, as ſhall not "only give your majeſty juſt cauſe of ſecurity in their faith-"fulneſs, but other manifold evidences of their earneſt in-"tentions and endeavours to advance your majeſty's ſervice, "honour, and contentment, and to eſtabliſh it upon the "ſure foundations of the peace and proſperity of all your "kingdoms."

This petition was preſented to the king at York, the 26th of March. He had now given his anſwer to the declaration of both

both houſes, and therefore mentions it in his anſwer to this laſt petition. Charles I. 1642.

"The king's anſwer[d].

"IF you would have had the patience to have expected our anſwer to your laſt declaration, (which conſidering the nature of it, hath not been long in coming) we believe you would have ſaved yourſelves the labour of ſaying much of this meſſage; and we could wiſh, that our privileges in all parts were ſo ſtated, that this way of correſpondence might be preſerved with that freedom which hath been uſed of old; for we muſt tell you, that if you may aſk any thing of us by meſſage or petition, and in what language (how unuſual ſoever) you think fit, and we muſt neither deny the thing you aſk, nor give a reaſon why we cannot grant it, without being taxed with breaking your privileges, or being counſelled by thoſe who are enemies of the peace of the kingdom, and favourers of the Iriſh rebellion (for we have ſeen your printed votes, upon our meſſage from Huntington) you will reduce all our anſwers hereafter into a very little room: in plain Engliſh, it is to take away the freedom of our vote, which were we but a ſubject were high injuſtice; but being your king, we leave all the world to judge what it is. (1.) Rushworth, iv. p. 539.

Remark (1.) The parliament ſuppoſed an imminent danger, which obliged them to act in an unuſual manner, and the king ſuppoſed the government to be in its uſual and natural ſtate. This miſunderſtanding continually returns in the papers of both ſides.

"Is this the way to compoſe all miſunderſtandings? We thought we ſhewed you one by your meſſage of the 20th of January; if you have a better, or a readier we ſhall willingly hearken to it, for hitherto you have ſhewed us none: but why the refuſal to conſent to your order, (which you call a denial of the militia) ſhould be an interruption to it, we cannot underſtand; for the militia, (which we always thought neceſſary to be ſettled) we never denied the thing, (as we told you in our anſwer of the 28th of January, to the petition of the houſe of commons) for we accepted the perſons; [illegible] corporations) we only denied the way: you [illegible] by way of ordinance, and with ſuch a preface, as we [illegible] with juſtice to our ho-

[d] Without date. It was ſent back by the ſame hands that brought the petition. Clarendon, tom. i. p. 369.

"nour

Charles I. 1642. "nour or innocence conſent to: you exclude us from any "power, in the diſpoſition, or execution of it, together "with you, and for a time utterly unlimited. We tell you, "we would have the thing done; allow the perſons (with "that exception) deſire a bill, (the only good old way of im-"poſing on our ſubjects) we are extremely unſatisfied what "an ordinance is; but well ſatisfied, that without our con-"ſent it is nothing, not binding; and it is evident, by the "long time ſpent in this argument, the neceſſity and danger "was not ſo imminent, but a bill might have well been "prepared; which, if it ſhall yet be done with that due re-"gard to us, and care of our people, in the limitation of "the power, and other circumſtances, we ſhall recede from "nothing we formerly expreſſed in that anſwer to your or-"der; otherwiſe, we muſt declare to all the world, that we "are not ſatisfied with, or ſhall ever allow our ſubjects, to "be bound by your printed votes of the fifteenth or ſixteenth "of this month, or that under pretence of declaring what "the law of the land is, you ſhall without us make a new "law, which is plainly the caſe of the militia; and what "is this, but to introduce an arbitrary way of govern-"ment? (2.)

Rem. (2.) It is no wonder the king and the parliament could not agree upon any one thing, ſince they reaſoned upon different principles. The king ſuppoſed, that the ordering of the militia, deſired by both houſes, ought to be done after the uſual manner; whereas the parliament pretended, that the danger the kingdom was in, and of which the king was the cauſe, gave them a right to demand an extraordinary regulation, wherein the king ſhould not be concerned. On the other hand, it is manifeſt, the reſtrictions propoſed by the king in this article, left him at liberty to diſpute eternally, and to refuſe the bill which ſhould be preſented to him, unleſs it was wholly ineffectual for the deſigns of the parliament.

"Concerning Pym's ſpeech, you will have found, by what "the lord Compton, and Mr. Bainton brought from us, in "anſwer to that meſſage they brought to us, that as yet we "reſt nothing ſatisfied in that particular.

"As for the ſeditious pamphlets and ſermons, we are both "ſorry and aſhamed in ſo great variety, and in which our "rights, honour, and authority, are ſo inſolently ſlighted "and villified, and in which the dignity and freedom of par-"liament is ſo much invaded and violated, it ſhould be "aſked of us to name any, the mentioning of the "pro-"teſtation proteſted, the apprentices proteſtation, to your "tents,

" tents, O Iſrael!" or any other, would be too great an ex- Charles I.
" cuſe for the reſt: if you think them not worth your inquiry 1642.
" we have done: But we think it moſt ſtrange to be told,
" that our denial of a guard, (which we yet never denied,
" but granted in another manner, and under a command at
" that time moſt accuſtomed in the kingdom) or the denial
" of any thing elſe, (which is in our power legally to deny)
" which in our underſtanding (of which God hath ſurely
" given us ſome uſe) is not fit to be granted, ſhould be any
" excuſe for ſo dangerous a concourſe of people; which, not
" only in our apprehenſion, but (we believe) in the interpre-
" tation of the law itſelf, hath been always held moſt tu-
" multuous and ſeditious. And we moſt wonder what, and
" from whence come the inſtructions and informations that
" thoſe people have, who can ſo eaſily think themſelves
" obliged by the proteſtation, to aſſemble in ſuch a manner,
" for the defence of privileges, which cannot be ſo clearly
" known to any of them, and ſo negligently paſs over the
" conſideration, and defence of our rights, ſo beneficial and
" neceſſary for themſelves, and ſcarce unknown to any of
" them, which by their oaths of allegiance and ſupremacy,
" (and even by the ſame proteſtation) they are at leaſt equally
" obliged to defend. And what interruptions ſuch kind of
" aſſemblies may be to the freedom of future parliaments, (if
" not ſeaſonably diſcountenanced and ſuppreſſed) we muſt ad-
" viſe you to conſider, as likewiſe whether both our powers
" may not by ſuch means be uſurped, by hands not truſted
" by the conſtitution of this kingdom. For our guard, we
" refer you to our anſwer to that declaration.

" By that queſtion of violating your laws; by which we
" endeavoured to expreſs our care and reſolution to obſerve
" them; we did not expect you would have been invited to
" have looked back ſo many years, for which you have had
" ſo ample reparation: neither looked we to be reproached
" with the actions of our miniſters (then againſt the laws)
" whilſt we expreſs ſo great a zeal for the preſent defence of
" them, it being our reſolution, upon obſervation of the
" miſchief which then grew by arbitrary power, (though
" made plauſible to us by the ſuggeſtions of neceſſity and im-
" minent danger; and take you heed you fall not into the
" ſame error upon the ſame ſuggeſtions) hereafter to keep the
" rule ourſelf, and to our power require the ſame from all
" others (3.): but above all, we muſt be moſt ſenſible of
" what you caſt upon us, for requital of thoſe good bills you
" cannot deny. We have denied any ſuch deſign, and as

"God Almighty must judge in that point between us, who "knows our upright intentions at the passing those laws: so, "in the mean time, we defy the devil to prove, that there "was any design (with our knowledge or privity) in or about "the time of passing those bills, that had it taken effect, "could have deprived our subjects of the fruit of them: and "therefore we demand full reparation in this point, that we "may be cleared in the sight of all the world, and chiefly in "the eyes of our loving subjects, from so notorious and false "an imputation as this is.

Rem. (3.) Those that undertake to vindicate king Charles's government, during the first fifteen years of his reign, do more than ever he pretended to do himself, as appears by this clause of his answer.

"We are far from denying what you have done; for we "acknowledge the charge our people have sustained in keep- "ing the two armies, and in relieving Ireland; of the which "we are so sensible, that in regard of those great burthens "our people have undergone, we have, and do patiently "suffer those extreme personal wants, as our predecessors "have been seldom put to, rather than we would press upon "them; which we hope (in time) will be considered on your "parts. (4.)

Rem. (4.) The king gloried in having suffered patiently, since this parliament, personal wants which it had not been in his power to help.

"In our offer of a general pardon, our intent was to "compose and secure the general condition of our subjects, "conceiving, that in these times of great distractions, the "good laws of the land have not been enough observed: "but it is a strange world, when princes proffered favours "are accounted reproaches: yet if you like not this our offer, "we have done.

"Concerning any discourses of foreign forces, though we "have given you a full answer in ours to your last declara- "tion yet we must tell you, we have neither so ill an opi- "nion of our own merit, or the affections of our good sub- "jects, as to think ourself in need of any foreign force to "preserve us from oppression; (and we shall not need for any "other purpose) but are confident (through God's provi- "dence) not to want the good wishes and assistance of the "whole kingdom, being resolved to build upon that sure "foundation, the law of the land. We take it very ill, that any "general discourses between an unknown person and a ma- "riner, or inferences upon letters, should be able to prevail

"in

" in matters ſo improbable in themſelves, and ſcandalous to Charles I.
" us; for which we cannot but likewiſe aſk reparation, not 1642.
" only for the vindicating of our own honour, but alſo there-
" by to ſettle the minds of our ſubjects, whoſe fears and jea-
" louſies would ſoon vaniſh, were they not fed and main-
" tained by ſuch falſe and malicious rumours as theſe.

" For our return to our parliament, we have given you a
" full anſwer in ours to your declaration and you ought to
" look on us as not gone, but driven (we ſay not by you,
" yet) from you. And if it be not ſo eaſy for you to make
" our reſidence in London ſo ſafe as we could deſire, we are,
" and will be contented, that our parliament be adjourned to
" ſuch a place, where we may be fitly and ſafely with you.
" For although we are not pleaſed to be at this diſtance, yet
" ye are not to expect our preſence, until ye ſhall both ſe-
" cure us, concerning our juſt apprehenſions of tumultuary
" inſolencies; and likewiſe give us ſatisfaction for thoſe in-
" ſupportable and inſolent ſcandals that are raiſed upon
" us. (5.)

Rem. (5.) The king took care not to return to London, at a time when he was going to try to ſecure Hull. The terms he required for his return were ſo undeterminate, that they would have afforded room for a long diſpute.

" To conclude, as we have, or ſhall not refuſe any way
" agreeable to juſtice or honour, which ſhall be offered to
" us for the begetting a right underſtanding between us; ſo
" we are reſolved, that no ſtraits or neceſſities (to which we
" may be driven) ſhall ever compel us to do that, which the
" reaſon and underſtanding that God hath given us, and our
" honour and intereſt, with which God hath truſted us for
" the good of our poſterity and kingdom, ſhall render un-
" pleaſant and grievous unto us.

" And we aſſure you that (how meanly ſoever you are
" pleaſed to value the diſcharge of our public duty) we are
" ſo conſcious to ourſelf of having done our part ſince this
" parliament, that in whatſoever condition we now ſtand, we
" are confident of the continued protection of Almighty
" God, and the conſtant gratitude, obedience and affection
" of our people, and we ſhall truſt God with all."

All theſe papers were not capable of obliging the king or the parliament to alter their meaſures. The parliament was reſolved to diveſt the king of the command of the militia, and the king was as fully determined not to give up that point.

Charles I. 1642.

After this answer, both houses sent a message to the king, directing the lord-keeper to inclose it in a letter to the secretary attending his majesty at York, to inform him that the lord admiral's indisposition disabling him to command the fleet in person, they had recommended to his lordship the earl of Warwick to supply his place. But understanding since that his majesty had appointed for that employment sir John Pennington, they besought him not to prefer him to the earl of Warwick.

Both houses name the earl of Warwick to command the fleet. March 28. Rushworth, iv. p. 542. Clarendon, ii. p. 375.

The king was very angry at this message, which was not by way of petition or declaration, and sent the lord-keeper word, that his resolution was not to alter the person whom he had appointed. But he was not master: for by the connivance of Algernon Piercy earl of Northumberland, who was lord-admiral, Robert Rich earl of Warwick was acknowledged commander of the fleet, against the king's will.

He is received against the king's will. March 31.

About the same time a paper was dispersed, wherein the author examined, "how laws are to be understood, and "obedience yielded? A question necessary for the present "state of things touching the militia. His majesty (says he) is intrusted by law with the militia; but it is for "the good and preservation of the people, and not against "them. So that when there is a well-grounded suspicion "that the king intends to employ the militia against the "people, he is not to be obeyed, for it is not likely that "the intent of the law is to invest the king with a power "to be used against his subjects." This is the sum of the "author's reasoning, which was properly that of both houses. The king having perused this paper, sent a message to the lords to require them to find out the author of so pernicious a doctrine, and punish him according to his deserts. But he objected nothing in particular against the author's principles and arguments.

Paper published touching the militia. Rushworth, ibid.

April 22. id. p. 543. Ib. p. 567.

Whilst the affair of the militia was in agitation, the king came to the gates of Hull with some troops: but sir John Hotham denied him admittance, as will be seen presently. It is easy to judge, this proceeding of the king served not to remove the parliament's fears and suspicions, and the rather as having passed a bill for settling the militia, as the king desired, this bill had been rejected. The affair of Hull happening shortly after, the parliament thought there was no more ceremony to be used, imagining the king sought only to amuse them, and make them lose time. Mean while the king, five or six days after his disappointment at Hull, sent a message to the

the parliament, dated April the 28th, containing his reaſons for not conſenting to the militia bill, which had been preſented to him. The meſſage was expreſſed in the following manner:

Charles I. 1642.

The king rejects the militia-bill.

The king's meſſage to both houſes of parliament, April 28. Ruſhworth, iv. p. 554. Clarendon, i. p. 394.

"WE have with great deliberation and patience weighed and conſidered (it concerning us much to weigh the conſequences of every law before we paſs it) your bill lately ſent to us, for the ſettling of the militia; and though it hath not been uſual to give any reaſons for our refuſal to paſs any bill (it being abſolutely in our power to paſs or not paſs any act ſent unto us by you, if we conceive it prejudicial to ourſelf, or inconvenient for our ſubjects, for whom we are truſted, and muſt one day give an account;) yet in this buſineſs of the militia, which being miſunderſtood amongſt our good ſubjects, hath been uſed as an argument, as if we were not vigilant enough for the public ſafety: and leaſt we ſhould be thought leſs conſtant in our reſolutions, and this bill to be the ſame we ſent unto you; we have thought fit to give you and all the world particular ſatisfaction, why we muſt not, ought not, cannot paſs this bill, being the firſt public bill, to our remembrance, we have refuſed this parliament; and therefore we muſt complain, that having expreſſed ourſelf ſo clearly and particularly to you in this point, you ſhould preſs any thing upon us, which you could not but foreſee that we muſt refuſe, except we departed from thoſe reſolutions, grounded upon ſo much reaſon, which we had ſo earneſtly before acquainted you with, and againſt which you have not given one argument to ſatisfy our judgment.

"We are pleaſed that you have declined the unwarrantable courſe of your ordinance, (to the which we are confident our good ſubjects would never have yielded conſent) and choſen this only right way of impoſing on our people, which we would have allowed, but for the reaſons hereafter mentioned.

"We refuſed to conſent to your ordinance, as for other things, ſo, for that the power was put into the perſons nominated therein by direction of both houſes of parliament, excluding us from any power in the diſpoſition or execution of it together with you. We then adviſed you for many reaſons, that a bill ſhould be prepared, and after, in our anſwer of the 26th of March laſt to the petition of both houſes, we told you, if ſuch a bill ſhould be

Charles I. 1642. "prepared with that due regard to us, and care of our peo-
"ple in the limitation of the power, and other circum-
"ſtances, we ſhould recede from nothing we formerly ex-
"preſſed. (1)

Remark (1.) Whether the king was in the right or in the wrong concerning the affair of the militia, it is certain his deſign at firſt was only to amuſe the parliament, and this is what he ſtrives to conceal in this article.

"What paſſed (enough to have diſcouraged us from being
"farther ſolliciteous in that argument) after our full and gra-
"cious anſwers, we are content to forget. When we re-
"ſolved of our journey into Ireland (ſo that by reaſon of
"our abſence there might be no want of ſettling that power),
"beſides complying with your fears, we ſent, together with
"a meſſage of that our purpoſe, a bill for the ſettling that
"power for a year, hoping in that time to return to you;
"and being ſure that in much leſs time you might do the
"buſineſs for which you ſeemed at firſt to deſire this, which
"was, that you might ſecurely conſider our meſſage of the
"20th of January laſt. By that bill we conſented to thoſe
"names which were propoſed in your ordinance, and in the
"limitation of the power, provided that ourſelf ſhould not
"be able to execute any thing but by your advice; and when
"we ſhould be out of the kingdom, the ſole execution to be
"in you; with many other things of ſo arbitrary and uncir-
"cumſcribed a power, that we ſhould not have conſented to,
"but with reference to the abſence of our own perſon out of
"the kingdom, and thought it the more ſufferable, in reſpect
"the time was but for a year. Whether this be the bill you
"have now ſent to us to paſs, let all the world judge. (2)

Clarendon, t. i. 393. Rem. (2.) The lord Clarendon freely owns, that the king's offer to go into Ireland, was all a ſtratagem. Since therefore the king had no deſign to go thither, it follows, that the bill he had ſent to both houſes, and which he pretended he ſhould not have conſented to, but with reference to his abſence, was no more than an amuſement. We ſee here, that the general limitations he had annexed to his firſt engagement, were not without deſign. He knew how to particularize them in the bill he ſent to the parliament, and was very ſenſible it would not be received with all theſe reſtrictions. Thus his aim in this clauſe was only to colour the pretence he had uſed in his firſt promiſe concerning the militia.

"You have by this bill now tendered to us (without taking
"notice of us) put the power of the whole kingdom, the
"life

"life and liberties of the ſubjects of all degrees and qualities, Charles I.
"into the hands of particular men for two years. Can you 1642.
"imagine we will truſt ſuch an abſolute power in the hands
"of particular perſons, which we refuſed to commit to both
"houſes of parliament? Nay, is not the power itſelf too ab-
"ſolute, too unlimited to be committed to any private hands?
"Hath not ſir John Hotham's high inſolence ſhewed us,
"what we may expect from an exorbitant legal power, when
"he by a power not warranted by law, dares venture upon
"a treaſonable diſobedience (3)? But we would willingly
"know (and indeed ſuch an account in ordinary civility
"we might have expected) why we are by this act abſolutely
"excluded from any power or authority in the execution of
"this militia. Sure your fears and jealouſies are not of ſuch
"a nature, as are capable of no other remedy, than by leaving
"us no power in a point of the greateſt importance, in which
"God and the law hath truſted us ſolely, and which we are
"contented to ſhare with you by our bill, by putting it, and
"a greater, into the hands of particular ſubjects? What
"would all chriſtian princes think of us, after we had paſſed
"ſuch a bill? How would they value our ſovereignty? And
"yet ſure our reputation with foreign princes, is ſome ground
"of your ſecurity: nay, we are confident, by that time you
"have thoroughly conſidered the poſſible conſequence of the
"bill upon yourſelves, and the reſt of our good ſubjects, you
"and they will give us thanks for not conſenting to it, find-
"ing their condition (had it paſſed) not to have been ſo pleaſ-
"ing unto them. We hope this animadverſion will be no
"breach of your privileges in this throng of buſineſs and diſ-
"temper of affections; it is poſſible that ſecond thoughts
"may preſent ſomething to your conſideration, which eſcaped
"you before."

Rem. (3.) It was but five or ſix days ſince ſir John Hotham denied him entrance into Hull[e].

"We paſſed this parliament, at your entreaty, a bill con-
"cerning the captives of Algier, and waved many objections
"of our own to the contrary, upon information, that the
"buſineſs had been many months conſidered by you. Whe-
"ther it prove ſuitable to your intentions, or whether you
"have not by ſome private order ſuſpended that act of par-
"liament, upon view of the miſtakings, you beſt know; as

[e] The lord Clarendon places this meſſage before the king's going to Hull. Scotton, i. p. 396.

Charles I. 1642. "likewiſe, what other great alterations you have made in "other bills paſſed this ſeſſion. We cannot paſs over the put- "ting their names out of this bill, whom before you recom- "mended to us in your ordinance, it ſeems, not thinking fit "to truſt thoſe who would obey no guide but the law of "the land, (we imagine you would not wiſh we ſhould in "our eſtimation of others follow that your rule;) and the "leaving out by ſpecial proviſion the preſent lord-mayor of "London, as a perſon in your diſfavour; whereas we muſt "tell you, his demeanour hath been ſuch, that the city and "the whole kingdom is beholding to him for his example. (4.)

Rem. (4.) It was ſir Richard Gurney that was then lord-mayor of London, and entirely devoted to the king.

"To conclude, we do not find ourſelf poſſeſſed with ſuch "an exceſs of power, that it is fit to transfer, or conſent it "ſhould be in other perſons (as directed by the bill;) and "therefore we ſhall rely upon that royal right and juriſdic- "tion which God and the law hath given us, for the ſuppreſ- "ſing of rebellion, and reſiſting foreign invaſion, which hath "preſerved this kingdom in the time of all our anceſtors, "and which, we doubt not, but we ſhall be able to execute; "and, not more for our own honour and right, than for the "liberty and ſafety of our people, we cannot conſent to paſs "this bill."

The declaration of the lords and commons concerning his majeſty's laſt meſſage about the militia.

Ruſhworth, iv. p. 564. May 5. Clarendon. t. i. p. 406.

"THE lords and commons holding it neceſſary for the "peace and ſafety of this kingdom, to ſettle the militia "thereof, did, for that purpoſe, prepare an ordinance of par- "liament, and with all humility did preſent the ſame to his "majeſty for his royal aſſent; who, notwithſtanding the faith- "full advice of his parliament, and the ſeveral reaſons offered "by them of the neceſſity thereof, for the ſecuring of his "majeſty's perſon, and the peace and ſafety of his people, "did refuſe to give his conſent; and thereupon they were "neceſſitated, in diſcharge of the truſt repoſed in them, as "the repreſentative body of the kingdom, to make an ordi- "nance by authority of both houſes, to ſettle the militia, war- "ranted thereunto by the fundamental laws of the land. (1.)

Remark (1.) This fundamental law was no other than the law of nature, which allows every man to provide for his own defence when he ſees himſelf expoſed to danger, and ſuch

was

was the caſe the parliament ſuppoſed themſelves in. For otherwiſe, there was no poſitive law which gave this power to the two houſes of parliament. Charles I. 1642.

" His majeſty taking notice thereof, did by ſeveral meſſages invite them to ſettle the ſame by act of parliament; " affirming, in his majeſty's meſſage ſent in anſwer to the " petition of both houſes preſented to his majeſty at York, " March 26, that he always thought it neceſſary the ſame " ſhould be ſettled, and that he never denied the thing, only " denied the way; and for the matter of it, took exceptions " only to the preface, as a thing not ſtanding with his ho- " nour to conſent to, and that himſelf was excluded in the " execution, and for a time unlimited: whereupon the lords " and commons, being deſirous to give his majeſty all ſatiſ- " faction that might be, even to the leaſt tittle of form and " circumſtance; and when his majeſty was pleaſed to offer " them a bill ready drawn, did, for no other cauſe, than to " manifeſt their hearty affection to comply with his majeſty's " deſires, and obtain his conſent, entertain the ſame; in the " mean time no way declining their ordinance, and to expreſs " their earneſt zeal to correſpond with his majeſty's deſire, " (in all things that might conſiſt with the peace and ſafety " of the kingdom, and the truſt repoſed in them) did paſs " that bill, and therein omitted the preamble inſerted before " the ordinance, limited the time to leſs than two years, and " confined the authority of the lieutenants to theſe three par- " ticulars, namely, rebellion, inſurrection, and foreign inva- " ſion, and returned the ſame to his majeſty for his royal " aſſent: but all theſe expreſſions of affection and loyalty, all " thoſe deſires and earneſt endeavours to comply with his ma- " jeſty, hath (to their great grief and ſorrow) produced no " better effect than an abſolute denial, even of that which his " majeſty by his former meſſages, as we conceive, had pro- " miſed; the advice of evil and wicked councils receiving " ſtill more credit with him than that of his great council of " parliament, in a matter of ſo high importance, that the " ſafety of his kingdom, and the peace of his people depends " upon it. (2.)

Rem. (2.) If the king on his part ſuppoſed the government to be in its natural ſtate, and that conſequently he ought to enjoy all his prerogatives, the parliament made here a ſuppoſition which was not liable to fewer objections. That is, in the preſent juncture, the king ought to conſider them as his great council, and be guided by their actions.

" But

Charles I. 1642. "But now what muſt the exceptions to this bill? Not any, ſure, that were to the ordinance; for a care was taken to give ſatisfaction in all theſe particulars. Then the exception was, becauſe that the diſpoſing and execution thereof was referred to both houſes of parliament, and his majeſty excluded; and now that by the bill the power and execution is aſcertained, and reduced to particulars, and the law of the realm made the rule thereof, his majeſty will not truſt the perſons. The power is too great, too unlimited to truſt them with. (3.)

Rem. (3.) The parliament pretends to ſhow here that they had regarded the king's complaints, and yet the king had refuſed to paſs the bill. They own that one of his majeſty's complaints againſt the ordinance was, his being wholly excluded from having any thing to do in ſettling the militia. To ſhow therefore that the king had reaſon to be ſatisfied with the bill, it ſhould have been ſaid, "And now that by "the bill he is joined in the execution with the two houſes." But inſtead of this, they ſay, "And now that the execution "is aſcertained, and the law of the realm made the rule." It is eaſy to ſee that this makes not a juſt oppoſition to the king's complaint.

"But what is that power? Is it any other, but in expreſs "terms to ſuppreſs rebellion, inſurrection, and foreign invaſion? And who are thoſe perſons? Are they not ſuch as "were nominated by the great council of the kingdom, and "aſſented to by his majeſty? And is it too great a power to "truſt thoſe perſons with the ſuppreſſion of rebellion, inſurrection, and foreign invaſion? Surely the moſt wicked of "them that adviſed his majeſty to this anſwer, cannot ſuggeſt, "but that it is neceſſary for the ſafety of his majeſty's royal "perſon, and the peace of the kingdom, ſuch a power ſhould "be put in ſome hands, and there is no pretence of exception to the perſons: his majeſty, for the ſpace of above fifteen years together, thought not a power far exceeding this "to be too great to intruſt particular perſons with, to whoſe "will the lives and liberties of his people by martial laws "were made ſubject; for ſuch was the power given to lord-lieutenants and deputy-lieutenants in every county of this "kingdom, and that without the conſent of his people, or "authority of law: but now in caſe of extreme neceſſity, "upon advice of both houſes of parliament, for no longer "ſpace than two years, a leſſer power, and that for the ſafety "of the king and people, is thought too great to truſt parti-

"cular

" cular perſons with, though named by both houſes of parlia- Charles I.
" ment, and approved of by his majeſty himſelf. And ſurely, 1642.
" if there be a neceſſity to ſettle the militia (which his ma-
" jeſty was pleaſed to confeſs) the perſons cannot be truſted
" with leſs power than this, to have it at all effectual: and
" the precedents of former ages, when there happened a ne-
" ceſſity to raiſe ſuch a power, never ſtraitned that power to a
" narrow compaſs; witneſs the commiſſions of array in ſeve-
" ral kings reigns, and often iſſued out by the conſent and au-
" thority of parliament. The lords and commons therefore,
" intruſted with the ſafety of the kingdom, and peace of the
" people (which they call God to witneſs is their only aim)
" finding themſelves denied theſe their ſo neceſſary and juſt
" demands, and that they can never be diſcharged before God
" and man, if they ſhould ſuffer the ſafety of the kingdom,
" and peace of the people, to be expoſed to the malice of the
" malignant party at home, or the fury of enemies from
" abroad; and knowing no other way to encounter the im-
" minent and approaching danger, but by putting the people
" into a fit poſture of defence, do reſolve to put their ſaid
" ordinance in preſent execution, and do require all perſons
" in authority, by virtue of the ſaid ordinance, forthwith to
" put the ſame in execution, and all others to obey it, ac-
" cording to the fundamental laws of the kingdom in ſuch
" caſes, as they tender the upholding of the true proteſtant
" religion, the ſafety of his majeſty's perſon, and his royal
" poſterity, the peace of the kingdom, and the being of this
" commonwealth."

His majeſty's anſwer to the parliaments declaration [r].

" WE very well underſtand how much it is below the Ruſhworth, iv. p. 547. Clarendon, t. i. p. 408.
" high and royal dignity (wherein God hath placed us)
" to take notice, much more to trouble ourſelf, with anſwer-
" ing thoſe many ſcandalous, ſeditious pamphlets, and printed
" papers, which are ſcattered with ſuch great licence through-
" out the kingdom (notwithſtanding our earneſt deſire, ſo
" often in vain preſſed for a reformation) though we find it
" evident, that the minds of many of our weak ſubjects have
" been, and ſtill are, poiſoned by thoſe means, and that ſo
" general a terror hath poſſeſſed the minds and hearts of all
" men, that while the preſſes ſwarm (and every day pro-

[r] Without date.

" duceth

Charles I. 1642. "duceth new tracts againſt the eſtabliſhed government of the church and ſtate) moſt men want the courage, or the conſcience, to write, or the opportunity and encouragement to publiſh ſuch compoſed, ſober animadverſions, as might either preſerve the minds of our good ſubjects from ſuch infection, or reſtore and recover them when they are ſo infected; but we are contented to let ourſelf fall to any office, that may undeceive our people, and to take more pains this way by our own pen, than ever king had done, when we find any thing that ſeems to carry the authority or reputation of either or both houſes of parliament, and will not have the ſame refuted, or diſputed, by common and vulgar pens, till we are thoroughly informed, whether thoſe acts have in truth that countenance and warrant they pretend; which regard of ours, we doubt not but in time will recover that due reverence (the abſence whereof we have too much reaſon to complain of) to our perſon, and our meſſages, which in all ages hath been paid (and no doubt is due) to the crown of England.

"We have therefore taken notice of a printed paper, intituled, "A Declaration of both houſes of Parliament, in anſwer to our laſt meſſage concerning the Militia," publiſhed by command; the which we are unwilling to believe (both for the matter of it, the expreſſions in it, and the manner of publiſhing it) can reſult from the conſent of both houſes; neither do we know, by what lawful command ſuch uncomely, irreverent mention of us, can be publiſhed to the world. And though declarations of this kind have of late (with too much boldneſs) broken in upon us, and the whole kingdom, when one, or both houſes, have thought fit to communicate their counſels and reſolutions to the people; yet we are unwilling to believe, that ſuch a declaration as this, ſhould be publiſhed in anſwer to our meſſage, without vouchſafing at leaſt to ſend it to us as their anſwer. Their buſineſs, for which they are met by our writ and authority, being to counſel us, for the good of our people, not to write againſt us to our people, and no conſent of ours for their long continuing together, enabling them to do any thing, but what they were firſt ſummoned by our writ to do: at leaſt we will believe, though miſunderſtanding and jealouſy (the juſtice of God will overtake the fomenters of that jealouſy, and the promoters and contrivers of that miſunderſtanding) might produce (to ſay no worſe) thoſe very untoward expreſſions, that if thoſe houſes

" houſes had contrived that declaration, as an anſwer to our Charles I.
" meſſage, they would have vouchſafed ſome anſwer to the 1642.
" queſtion propoſed in ours; which we profeſſed did, and
" muſt evidently, prevail over our underſtanding; and in
" their wiſdom and gravity, they would have been ſure to
" have ſtated the matters of fact, as (at leaſt to ordinary un-
" derſtandings) might be unqueſtionable; neither of which is
" done by that declaration.

" We deſire to know, why we were by that act abſolutely
" excluded from any power or authority in the execution of
" the militia; and we muſt appeal to all the world, whether
" ſuch an attempt be not a greater and juſter ground for fear
" and jealouſy in us, than any one that is avowed for thoſe
" deſtructive fears and jealouſies which are ſo publicly owned,
" almoſt to the ruin of the kingdom. But we have been
" told, "That we muſt not be jealous of our great council
" of both houſes of parliament;" we are not, no more than
" they are of us, their king; and as hitherto they have not
" avowed any jealouſy of, or diſaffection to, our perſon;
" imputed all to our evil counſellors, to a malignant party,
" that are not of their minds; ſo we do (and we do it from
" our ſoul) profeſs no jealouſy of our parliament, but ſome
" turbulent, ſeditious, and ambitious natures, which (being
" not ſo clearly diſcerned) may have an influence, even upon
" the actions of both houſes. And if this declaration hath
" paſſed by ſuch conſent (which we are not willing to be-
" lieve) it is not impoſſible, but that the apprehenſion of
" ſuch tumults, which have driven us from the city of Lon-
" don, for the ſafety of our perſon, may make ſuch an im-
" preſſion in other men (not able to remove from the danger)
" to make their conſent, or not to own a diſſent in matters
" not agreeable to their conſcience or underſtanding.

" We mentioned, in that our anſwer, our diſlike of the
" putting their names out of the bill, whom before they re-
" commended to us, in their pretended ordinance; and the
" leaving out, by ſpecial proviſion, the preſent lord-mayor
" of London; to all which, the declaration affords no an-
" ſwer to that our meſſage, and therefore we cannot ſuppoſe
" it was intended for an anſwer to that our meſſage; which,
" whoſoever looks upon, will find to be in no degree an-
" ſwered by that declaration.

" But it informs all our ſubjects, after the mention with
" what humility the ordinance was prepared, and preſented
" to us (a matter very evident in the petitions and meſſages

" concerning

Charles I. 1642. "concerning it), and our refuſal to give our conſent; notwithſtanding the ſeveral reaſons offered of the neceſſity thereof, for the ſecuring of our perſon, and the peace and ſafety of our people, (whether any ſuch reaſons were given, the weight of them, and whether they were not clearly and candidly anſwered by us, the world will eaſily judge;) and that they were at laſt neceſſitated to make an ordinance by authority of both houſes to ſettle the militia, warranted thereunto by the fundamental laws of the land: but if that declaration had indeed intended to have anſwered us, it would have told our good ſubjects what thoſe fundamental laws of the land are, and where to be found; and would at leaſt have mentioned one ordinance, from the firſt beginning of parliaments to this preſent parliament, which endeavoured to impoſe any thing upon the ſubjects without the king's conſent; for of ſuch, all the enquiry we can make, could never produce us one inſtance (1).

Remark (1). The king and the parliament equally abuſed the term Fundamental Law. The parliament gave the name of Fundamental Law to the truſt placed in them by the people, which obliged the two houſes to take care of the public ſafety, when the kingdom was in danger, which was not properly a law. The king, on his ſide, would own none for fundamental, but poſitive, expreſs, and particular laws upon the caſe in queſtion, and required ſuch to be produced. It is eaſy for unbiaſſed perſons to ſolve this difficulty. If it is ſuppoſed with the parliament, that the king intended to eſtabliſh an arbitrary government, it is certain the parliament had a right to oppoſe it, by virtue of the truſt put in them by the people, and as the repreſentative body of the nation; and in ſuch caſe it might be ſaid, they were ſupported by a fundamental law, or ſomething equivalent. But if it is ſuppoſed with the king, that the government was in its ordinary and natural ſtate, and there was no reaſon to ſuſpect him, it is certain the parliament had no right to meddle with the militia, without the king's conſent. The whole conſiſts therefore in the truth or falſhood of theſe two ſuppoſitions.

"And if there be ſuch a ſecret of the law, which hath lain hid from the beginning of the world to this time, and now is diſcovered, to take away the juſt legal power of the king, we wiſh there be not ſome other ſecret (to be diſcovered when they pleaſe) for the ruin and deſtruction of the liberty of the ſubject: for, no doubt, if the votes

"of

" of both houſes have any ſuch authority to make a new Charles I.
" law, it hath the ſame authority to repeal the old; and 1642.
" then what will become of the long eſtabliſhed rights and
" liberties of the king and ſubject, and particularly of Mag-
" na Charta, will be eaſily diſcerned by the moſt ordinary
" underſtanding (2).

Rem. (2). Never were the liberties of the people in more danger of being deſtroyed than in the reign of Charles I. notwithſtanding Magna Charta and the laws of the land. So, whatever the king ſaid againſt the parliament, was no leſs ſtrong againſt himſelf: beſides, his reaſoning could ſubſiſt but in virtue of the ſuppoſition mentioned in the foregoing article, which was very far from being proved.

" It is true we did (out of the tenderneſs of the conſtitu-
" tion of the kingdom, and care of the law which we are
" bound to defend, and being moſt aſſured of the unjuſtifi-
" ableneſs of the pretended ordinance) invite and deſire both
" our houſes of parliament to ſettle whatſoever ſhould be fit
" of that nature by act of parliament; but were we therefore
" obliged to paſs whatſoever ſhould be brought to us of that
" kind? We did ſay, in our anſwer to the petition of both
" houſes, preſented to us at York the 26th of March laſt,
" (and we have ſaid the ſame in other meſſages before) that
" we always thought it neceſſary the buſineſs of the militia
" ſhould be ſettled, and that we never denied the thing, on-
" ly denied the way; and we ſay the ſame ſtill, ſince the
" many diſputes and votes upon lord-lieutenants and their
" commiſſions (which were begun by us or our father) had
" ſo diſcountenanced that authority, which for many years
" together was happily looked upon with reverence and obe-
" dience by the people. We did, and do think it very ne-
" ceſſary, that ſome wholeſome law be provided for that bu-
" ſineſs; but we declared, in our anſwer to the pretended
" ordinance, we expected that that neceſſary power ſhould
" be firſt inveſted in us, before we conſented to transfer it to
" other men (3): neither could it ever be imagined, that
" we could conſent, that a greater power ſhould be in the
" hands of a ſubject than we were thought worthy to be
" truſted with ourſelf. And if it ſhall not be thought fit to
" make a new act or declaration in this point, we doubt not
" but we ſhall be able to grant ſuch commiſſions, which ſhall
" very legally enable thoſe we truſt, to do all offices for the
" peace and quiet of the kingdom, if any diſturbance ſhall
" happen.

Rem.

Charles I. 1642.

Rem. (3). There was no occaſion to inveſt the king with power to ſuppreſs rebellions and inſurrections, and repel invaſions, in order to his transferring that power to others, ſince he was of courſe inveſted with it. But the king endeavours to colour his denial by repreſenting that power as exorbitant.

"But that declaration ſaith, we were pleaſed to offer them "a bill ready drawn; and that they (to expreſs their earneſt "zeal to correſpond with our deſire) did paſs that bill; yet "all that expreſſion of affection and loyalty, all that earneſt "deſire of theirs to comply with us, produced no better "effect than an abſolute denial, even of what by our former meſſages (as that declaration conceives) we had promiſed, and ſo proceeds (under the pretence of mentioning "evil and wicked councils) to cenſure and reproach us, in "a dialect that we are confident our good ſubjects will read "with much indignation on our behalf. But ſure, if that "declaration had paſſed the examination of both houſes of "parliament, they would never have affirmed that the bill "we refuſed to paſs was the ſame we ſent to them, or have "thought that our meſſage, wherein the difference and contrariety between the two bills is ſo particularly ſet down, "would be anſwered with the bare averring them to be one "and the ſame bill: no more would they have declared "(when our exceptions to the ordinance and the bill are ſo "notoriouſly known to all our people) that care being taken to give ſatisfaction in all the particulars we had excepted againſt in the ordinance, we had found new exceptions to the bill: and yet this very declaration confeſſes, "that our exception to the ordinance was, that in the diſpoſing and execution thereof we were excluded; and was "not this an expreſs reaſon in our anſwer for refuſal of the "bill, which this declaration will needs confute? But the "power was no other than to ſuppreſs rebellion, inſurrection, and foreign invaſion; and the perſons truſted no other "than ſuch as were nominated by the great council of the "kingdom, and aſſented to by us; and that declaration aſks "if that be too great a power to truſt theſe perſons with? "Indeed, while ſo great liberty is uſed in voting and declaring men to be enemies to the commonwealth (an Engliſh phraſe we ſcarcely underſtand), and in cenſuring men "for their ſervice and attendance upon our perſon, and in "our lawful commands, great heed muſt be taken into what "hands we commit ſuch a power to ſuppreſs inſurrection

"and

" and rebellion; and if inſurrection and rebellion have found Charles I.
" other definitions than what the law hath given them, we 1642.
" muſt be ſure that no lawful power ſhall juſtify thoſe defi-
" nitions; and if there be learning found out to make ſir
" John Hotham's taking arms againſt us, and keeping our
" town and fort from us, no treaſon and rebellion, we know
" not whether a new diſcovery may not find it rebellion in
" us to defend ourſelves from ſuch arms, and ſo endeavour
" to recover what is ſo taken from us (4); and therefore it
" concerns us (till the known law of the land be allowed
" to be judge between us) to take heed into what hands we
" commit ſuch power.

Rem. (4). The king always reaſoned upon the ſuppoſition that the government was in its natural ſtate, and that there was no cauſe to ſuſpect him; a ſuppoſition which was not granted.

" Beſides, can it be thought, that becauſe we are willing
" to truſt certain perſons, that we are obliged to truſt them
" in whatſoever they are willing to be truſted? We ſay,
" no private hands are fit for ſuch a truſt; neither have we
" departed from any thing (in the leaſt degree) we offered,
" or promiſed before; though we might with as much rea-
" ſon have withdrawn our truſt from ſome perſons we before
" had excepted, as they did from others whom they recom-
" mended. For the power which we are charged to have
" committed to particular perſons, for the ſpace of fifteen
" years, by our commiſſions of lieutenancy, it is notoriouſly
" known that it was not a power created by us, but continu-
" ed very many years, and in the moſt happy times this king-
" dom hath enjoyed, even thoſe of our renowned predeceſ-
" ſors queen Elizabeth and our father of happy memory (5);
" and whatever authority was granted by thoſe commiſſions,
" which were kept in the old forms, the ſame was deter-
" mined at our pleaſure; and we know not that they pro-
" duced any of thoſe calamities which might give our good
" ſubjects cauſe to be ſo weary of them, as to run the hazard
" of ſo much miſchief, as that bill we refuſed might poſſibly
" have produced.

Rem. (5). The example of king James I. is no good evidence. I very much queſtion that in times of peace, queen Elizabeth ever made her ſubjects liable to be tried by martial law.

" For the precedents of former ages in the commiſſions of
" array, we doubt not but when any ſuch are iſſued out,

Charles I. 1642. "that the king's consent was always obtained, and the commissions determinable at his pleasure, and then what the extent of power was, will be nothing applicable to this case of the ordinance.

"But whether that declaration hath refuted our reasons for our refusal to pass the bill, or no, it hath resolved and required all persons in authority, thereby to put the ordinance in present execution, and all others to obey it according to the fundamental laws of the land. But we, whom God hath trusted to maintain and defend those fundamental laws (which, we hope, he will bless to secure us), do declare, that there is no legal power in either or both houses, upon any pretence whatsoever, without our consent, to command any part of the militia of this kingdom; nor hath the like ever been commanded by either or both houses, since the first foundation of the laws of the land; and that the execution of, or the obedience to, that pretended ordinance, is against the fundamental laws of the land, against the liberty of the subject, and the right of parliaments, and a high crime in any that shall henceforth execute the same. And we do therefore charge and command all our loving subjects, of what degree or quality soever, upon their allegiance, and as they tender the peace of this kingdom, from henceforth, not to muster, levy, array, summon, or warn any of our trained bands to rise, muster, or march, by virtue or under colour of that pretended ordinance. And to this declaration and command of ours, we expect and require full submission and obedience from all our loving subjects, upon their allegiance, as they will answer the contrary at their perils; and as they tender the upholding of the true protestant religion, the safety of our person, and our royal posterity, the peace and being of this kingdom."

Having given most of the papers, published on both sides, concerning the militia, I shall endeavour, for the reader's better information, to illustrate a little more fully, the ground of the quarrel between the king and the parliament, which could be done but very briefly in my short remarks on several passages of these papers.

The state of the question between the king and the parliament.

The parliament did not deny, that in the ordinary course of the government, the right of settling the militia, and appointing those who were to command it under him, was solely in the king[g]. But they affirmed, that in the present extraordinary

[g] The commons were divided in their opinions about this point; some affirming, "That the power of the militia "was solely in the king, and ought to "be

extraordinary caſe, it was incumbent on them to take care the kingdom periſhed not by the king's fault. The caſe they ſuppoſed was this: the king, for the ſpace of fifteen years, had endeavoured to eſtabliſh an abſolute government, and had actually eſtabliſhed it on divers occaſions: he had pretended that he might govern without parliaments, and accordingly had called none for twelve years together; during which interval he had violated ſundry laws, and ruled after an arbitrary manner. Being forced by the neceſſity of his affairs to call this preſent parliament, he had ſeemed to acknowledge the injuſtice of his former conduct, by giving his conſent to the good acts made for the redreſs of paſt, and the prevention of future grievances. But at the very time that he expreſſed ſo great condeſcenſion for his ſubjects, and an outward repentance for his faults, he ceaſed not to deviſe means to become abſolute as before. The parliament inferred from this conduct, that the king's condeſcenſion was only apparent; that at the firſt opportunity he would revoke the acts he had conſented to, and which he affected to term always acts of grace, though they were really acts of juſtice: conſequently it was neceſſary to put it out of his power to recede from what he had done, if he ſhould deſire it. The only way to hinder ſuch a deſign, was to put the militia of the kingdom into ſafe hands, who ſhould not depend upon the king, and prevent him from having any power over the militia, for fear this power, either in him alone, or jointly with the two houſes, might enable him to break all the meaſures which ſhould be taken to hinder the execution of his deſigns. Charles I. 1642.

It is manifeſt, the parliament was in the right or the wrong, according as their ſuppoſition was true or falſe. Let it be granted for a moment, that their ſuppoſition was well grounded, and that the king had really a deſign to render himſelf abſolute; ought the parliament, out of pure reſpect to the ancient laws, leave the king a power which enabled him to alter the conſtitution of the government, and ſubvert once more theſe very laws, wherein the ſafety of the people entirely conſiſted? Is it not evident, that in ſuch a caſe it was neceſſary to violate theſe laws, in order to eſtabliſh them more firmly? When

" be left to him, and that the parliament never did, nor ought to meddle with the ſame." And others, "That the king had not this power in him, but that it was ſolely in the parliament, and that if the king refuſed to order the ſame according to the advice of the parliament, that then they by the law might do it without him." Whitelock, p. 55.

Charles I. 1642. therefore the king objected to the parliament the laws which gave the kings of England certain prerogatives, he manifeſtly ſuppoſed the government to be in its natural ſtate; but the parliament ſuppoſed the contrary: conſequently, the king's arguments could not make any impreſſion, becauſe they were not applicable to the caſe ſuppoſed by the parliament. Unfortunately, the king was forced to uſe againſt the parliament the very reaſons alledged formerly by the parliament and people againſt him, when he uſurped an abſolute power. He complained that the parliament founded their right upon a pretended neceſſity which was never proved; and himſelf had formerly made uſe of a neceſſity ſtill more imaginary, to impoſe arbitrary taxes without the conſent of parliament, contrary to the laws of the land.

But if, on the other hand, we ſuppoſe the parliament's ſuſpicions to be chimerical, and that the king never gave any room for them, at leaſt ſince the beginning of this parliament, and that his intention to govern according to law was ſincere, it is certain his arguments from the laws, cuſtoms, royal prerogatives, were invincible, becauſe in that caſe there would not have been any the leaſt juſt pretence to diveſt him of his rights. The whole queſtion therefore was reduced to this ſingle point, whether the king was ſincere, and his word to be relied on? But, unhappily for him, a fifteen years experience had convinced moſt of his ſubjects, that he would have eſtabliſhed an arbitrary government; the motives of his condeſcenſion in the acts paſſed this parliament, were dubious, and his proteſtations with regard to the future, uncertain. Thus the parliament had a great advantage over him, becauſe they had for warrant of their ſuſpicions, the paſt, which was but too certain; whereas the king could only offer the future, which had not the ſame certainty.

Proclamation againſt the ordinance. Ruſhworth, tom. iv. P. 550.

It was time for the declarations, anſwers, and replies concerning the militia, to end, ſince there was nothing new to be ſaid on the ſubject: beſides, the parliament's ordinance was now executing in all places where the people were willing to obey it. At laſt, May the 27th, the king publiſhed a proclamation, forbidding to execute the ordinance of the parliament, on pain to offenders of being declared diſturbers of the public peace[h]. The parliament, on their part, publiſh-

[h] The king grounded this proclamation on a ſtatute made in the 7th of Edward I. whereby it was enacted, "That to the king it belongeth, by "his royal ſeigniory, ſtraightly to de- "fend wearing of armour, and all "other force, againſt the peace, at all "times when it ſhall pleaſe him, and "to puniſh them which ſhall do con- "trary." See Ruſhworth, tom. iv. p. 550.

ed a declaration, forbidding all perſons to obey the king's proclamation, as being contrary to the laws. As this might appear very ſtrange, both houſes grounded their prohibition upon reaſons, of which I ſhall only relate the ſubſtance, becauſe, flowing from the principles above-mentioned, it is eaſy to conceive them. They ſaid therefore: Charles I. 1642.

Declaration of both houſes againſt it. Ib. p. 551.

"That the queſtion is not, whether it belong to the "king or no, to reſtrain the levying of the militia; but "if the king ſhall refuſe to diſcharge that duty and truſt, "whether there be not a power in the two houſes to "provide for the ſafety of the parliament, and peace of "the kingdom? That though the law affirms that power "to be in the king, it does not exclude thoſe in whom "the law hath placed a power for that purpoſe, as in the "courts of juſtice, yet can it not be reſtrained by his ma-"jeſty's command, by his great ſeal, or otherwiſe; much "leſs can the power of parliament be concluded by his ma-"jeſty's command.

"That though the king is the fountain of juſtice and "protection, yet the acts of juſtice and protection are not "exerciſed in his own perſon, but by his courts and his "miniſters; who muſt do their duty therein, though the "king, in his own perſon, ſhould forbid them; and "therefore, if judgment ſhould be given by them againſt "the king's will, and perſonal command, yet are they "the king's judgments. Thus alſo, the high court of "parliament declares the king's pleaſure in thoſe things "that are requiſite thereunto; and what they do herein "hath the ſtamp of royal authority, although his majeſty "do in his own perſon oppoſe or interrupt the ſame: for "the king's ſupreme and royal pleaſure is exerciſed and de-"clared in this high court of law and council, after a more "eminent and obligatory manner, than it can be by any "perſonal act or reſolution of his own.

"That by the conſtitution and policy of this kingdom, "the king by his proclamation cannot declare the law, con-"trary to the judgment and reſolution of any of the inferior "courts of juſtice, much leſs againſt the high-court of par-"liament; for if it were admitted, that the king by his pro-"clamation may declare a law, thereby his proclamations "will in effect become laws, which would turn to the ſub-"verting of the law of the land, and the rights and liberties "of the ſubjects."

Charles I. 1642.

These are the principal arguments alledged by the parliament, to ſhow, that the king's proclamation was contrary to the laws. But there was a very manifeſt defect in this reaſoning. They repreſented the two houſes as alone compoſing the parliament, whereas it is certain, the parliament is compoſed of the king and both houſes, joined together and making but one body. What the parliament ſaid is therefore ſtrictly true, if the word parliament be underſtood in the ſenſe I have mentioned, as a body conſiſting of the king and the two houſes. For, the king cannot, by his ſole will, ſubvert what has been ordained by the parliament, becauſe himſelf making a part, and the nobleſt part of the parliament, he would contradict himſelf in forbidding a thing he had already ordained. But if by the parliament be meant the two houſes alone, without the king, it cannot be ſaid that their declarations are the king's, or that they are more ſolemn and obligatory than the king's private will. For if they were, the conſtitution of the government would be entirely overthrown. This is ſo true, that by retorting the argument alledged by both houſes againſt the king, it might be demonſtrated by the ſame reaſon, that they have power to make laws without the concurrence of the king, which would be full as true, as their ſaying, that the king's proclamations would be ſo many laws. It is therefore certain, that by the arguments they alledged againſt the king's proclamation, they furniſhed invincible reaſons againſt their own ordinance. Nevertheleſs, upon this ſophiſtry it was that they grounded all the authority they aſſumed to themſelves afterwards. They did themſelves therefore great injury, by relying on ſuch weak arguments. Their right ſolely conſiſted in the ſuppoſition, that the king would have altered the conſtitution of the government, which they had a lawful power to oppoſe by extraordinary methods, ſince the laws of the land, inſtead of affording them effectual remedies, countenanced rather the king's deſigns. The king on his part, founded his right upon the contrary ſuppoſition, namely, that there was no danger from him; but that the parliament had undertaken to ſubvert the conſtitution of church and ſtate. Such was then the melancholy ſituation of England.

Defect in the reaſoning of the two houſes.

I have related without interruption the affair of the militia, which laſted however ſeveral months, that I might not be obliged to break the thread of the narration; this affair being of the utmoſt importance, ſince it was the moſt immediate cauſe of the civil wars which quickly enſued: but it was not

the only affair during that time. Wherefore, it will be neceſſary to go back to the time when I began to ſpeak of the militia, to ſee other affairs, no leſs material, and whereof ſome contributed no leſs to the rupture. Charles I. 1642.

The king having paſſed in February the two acts, ſo earneſtly deſired by the commons, namely, for the excluſion of the biſhops [1], and for preſſing of ſoldiers, ſent the following meſſage to both houſes: Bills for excluding the biſhops and preſſing of ſoldiers, paſſed. The king's meſſage to both houſes. Feb. 14. 1641-2. Ruſhworth, iv. p. 553.

"That his having paſſed theſe two bills, being of ſo great "importance, and ſo earneſtly deſired by both houſes, will "ſerve to aſſure his parliament, that he deſires nothing more "than the ſatisfaction of his kingdom; yet, that he may "farther manifeſt to both houſes how impatient he is, till "he find out a full remedy to compoſe the preſent diſtempers, "he is pleaſed to ſignify:

"That he will by proclamation require, that all ſtatutes "made concerning recuſants, be with all care, diligence, "and ſeverity, put in execution.

"That his majeſty is reſolved, that the ſeven condemned "prieſts ſhall be immediately baniſhed, if his parliament "ſhall conſent thereunto: And he will give preſent order, "that a proclamation iſſue to require all Romiſh prieſts with-"in twenty days to depart the kingdom; and if any ſhall "be apprehended after that time, his majeſty aſſures both "houſes, on the word of a king, that he will grant no "pardon to any ſuch, without conſent of his parliament.

"And becauſe great and different troubles are obſerved "to ariſe, concerning the government and liturgy of the "church, his majeſty declares, That he will refer that "whole conſideration to his parliament: But deſires not to "be preſſed to any ſingle act on his part, till the whole be "ſo digeſted and ſettled by both houſes, that his majeſty may "clearly ſee what is fit to be left, as well as what is fit to "be taken away.

"For Ireland, he will not refuſe to venture his own per-"ſon in that war, if his parliament ſhall think it convenient, "for the reduction of that kingdom.

"That he will moſt readily concur in any reſolution their "wiſdoms ſhall find out, which may conduce to promote the "trade of the kingdom."

[1] Theſe bills were paſſed by commiſſion. The act paſſed the commiſſion for paſſing the firſt, at Canterbury, as he was in his way to Dover, where he accompanied the queen. Manley, p. 35.

Charles I. 1642.

The two houſes contented themſelves with thanking his majeſty for paſſing the two bills, without returning any anſwer upon the other points.

The parliament clear themſelves from a deſign to accuſe the queen. Ruſhworth, iv. p. 554.

The queen being miſinformed that there was a deſign to accuſe her of high-treaſon, the parliament had notice of it, and ſent the earl of Newport and the lord Seymour, to vindicate themſelves from this aſperſion. The queen anſwered, it was true, there was ſuch a report, but that ſhe gave little credit to it.

Letters from the lord Digby intercepted. Ib. p. 555. Clarendon, t. i. p. 337. Whitelock, p. 54.

Some letters of the lord Digby, directed to the queen, to ſir Lewis Dives his brother-in-law, and to ſecretary Nicholas [k] being intercepted, the parliament cauſed them to be opened. It was found, that the lord Digby, who was then at Middleburg in Zealand, adviſed the king to betake himſelf to a place of ſafety, and deſired the queen to ſend him a cypher, that he might hold a correſpondence with her. There were alſo in the letters ſome ſharp expreſſions againſt the parliament. The two houſes ſent copies of theſe letters to their majeſties, aſſuring them, that they were far from reflecting any thing upon the queen, only they beſought her not to correſpond with the lord Digby. Some days after, it was reſolved by the commons, that the lord Digby ſhould be accuſed of high-treaſon.

He is accuſed of high-treaſon.

Meſſage to the king concerning the prince. Feb. 24. 1641-2.

February the 24th, a meſſage was ſent from both houſes to his majeſty, to acquaint him with the reaſons why they deſired, that the prince of Wales ſhould reſide at Hampton-Court. The chief was, that the prince's removal might be a cauſe to promote jealouſies and fears in the minds of his ſubjects. For the parliament loſt no opportunity to let the people ſee, there was occaſion to be alarmed. The king intimated to them by his anſwer, that he did not think himſelf accountable for his conduct, with regard to the prince his ſon; and concluded with ſaying, "He could not imagine from "what grounds theſe fears and jealouſies proceeded; but if "any information had been given to that purpoſe, he deſired "the ſame might be examined to the bottom; and then "hoped their fears would be hereafter continued only with "reference to his rights and honour."

The king's anſwer, Ruſhworth, iv. p. 556.

Propoſals about Ireland. Ib. p. 557. Clarendon, t. i. p. 355, 356.

About the ſame time, propoſals were made to the parliament, for the ſpeedy raiſing of money for the reduction of Ireland. Theſe propoſals were, that to ſuch perſons as ſhould

[k] They were all incloſed in a cover to ſecretary Nicholas. Ruſhworth, tom. iv. p. 554.

be

be willing to advance money for that ſervice, ſhould be allotted, according to a certain proportion, the rebels lands that ſhould be forfeited, which was approved of by both houſes, and an act paſſed accordingly, to which the king gave the royal aſſent [l]. Charles I. 1642.

The queen departed for Holland about the end of February. The queen goes to Holland.

March the 16th, the king being at Stanford in his way to York, iſſued out a proclamation, for ſtrictly executing the laws againſt papiſts. This proclamation was very needleſs, and ſerved only to ſhew, that hitherto theſe laws had been ill executed. But the king had a mind thereby to repel the imputation of his protecting and countenancing the catholics, ſo much inſiſted upon by his enemies among the people, as if this protection was a proof of his deſign to introduce popery [m]. The king iſſues a proclamation againſt papiſts. Ruſhworth, iv. p. 558.

The king, as I ſaid, intended to ſecure Hull, with the magazine there; but his intention was yet a ſecret, and means were deviſing to put it in practice. To this end, very probably, he ſent a meſſage to the parliament, to acquaint them, that he had firmly reſolved to go into Ireland, and head the Engliſh troops. That therefore he intended to raiſe by his commiſſions, in the counties near Weſt-Cheſter, a guard for his own perſon (when he ſhould come into Ireland) conſiſting of two thouſand foot, and two hundred horſe, to be armed from his magazine of Hull, the charge of paying whereof he deſired them to take upon them. It was eaſy to foreſee, that this propoſition would not be accepted, in the preſent juncture; for it was at the very time that the affair of the militia was moſt warmly debating. But the king hoped to reap ſome advantage, either from the approbation, The king informs the parliament of his deſign to go into Ireland, and of raiſing a guard. April 8. Ruſhworth, iv. p. 560. Clarendon, t. i. p. 385.

[l] It was propoſed, that two millions and a half of thoſe acres might be aſſigned, and divided amongſt the adventurers after this proportion, viz.

l.

For each adventure of { 200 } 1000 acres in Ulſter.
{ 300 } 1000 acres in Connaught.
{ 450 } 1000 acres in Munſter.
{ 600 } 1000 acres in Leinſter.

All according to the Engliſh meaſure, conſiſting of meadow, arable, and paſture, the bogs, woods, and barren mountains being caſt in over and above, to be holden in free and common ſocage of the king with the conſtant rent of one penny each acre in Ulſter, two pence half-penny in Connaught, two pence farthing in Munſter, and three pence in Leinſter. Ruſhworth, tom. iv. p. 556.

[m] The king, upon his coming to York, iſſued out a proclamation for the payment of tunnage and poundage, though the act, whereby they were granted, was expired. Ruſhworth, tom. iv. p. 559, 683.

of

Charles I. 1642.

or the denial. If the parliament conſented to it, the king found he ſhould be able to employ this pretended guard of two thouſand two hundred men, to render himſelf maſter of Hull. At leaſt, one can hardly help thinking he had ſuch an intention, conſidering what paſſed very ſhortly after. If his propoſition was rejected, he flattered himſelf, at leaſt, that he ſhould thereby convince the people of his ſincere deſire to reduce Ireland, and diſpel the rumours that were ſpread on that head, which would afford him opportunity to throw all the blame on the parliament. Accordingly this was the only uſe he afterwards made of this offer, which was but a ſtratagem, as the earl of Clarendon owns in his hiſtory. But whether both houſes conſidered this propoſition of the king, as a ſnare, or as a real and ſincere offer, they thought not fit to conſent to it. Indeed, as things then ſtood, it was by no means proper to ſet the king at the head of an army in Ireland, and ſtill leſs, that he ſhould raiſe in England a guard of two thouſand two hundred men, when they were labouring with all their power to take from him the command of the militia, upon the foundation of the jealouſies conceived of him. For though hitherto they had been contented to accuſe only his counſellors, and a malignant party, of contriving plots againſt the ſtate, this was however but an artifice to accuſe him himſelf. So as they neither could nor would approve of the king's propoſition, they preſented a petition to him, ſetting forth:

Clarendon, t. i. p. 393.

The two houſes petition the king. Rushworth, iv. p. 561. Clarendon, t. i. p. 387.

"That having duly conſidered his majeſty's meſſage concerning his purpoſe of going into Ireland to proſecute the war, which he was pleaſed to propound to them, not as a matter wherein he deſired the advice of the parliament, but as already firmly reſolved on, and forthwith to be put in execution, by granting out commiſſions for the levying of two thouſand foot and two hundred horſe, for a guard for his perſon; they could not but wonder, that a buſineſs of ſo great importance, and wherein they had a ſpecial intereſt, by thoſe great ſums which they had diſburſed, and for which they ſtood engaged, ſhould be concluded and undertaken without their advice. And therefore they held it their duty to declare, That his going into Ireland would very much endanger the ſafety of his royal perſon and kingdoms, for the following reaſons:

"1. Becauſe his royal perſon would be ſubject not only to the caſualty of war, but to the ſecret practices and conſpiracies of the papiſts.

"2. It

" 2. It would exceedingly encourage the rebels, who did Charles I.
" generally profeſs and declare, That his majeſty counte- 1642.
" nanced their proceedings, and that this inſurrection was un-
" dertaken by the warrant of his commiſſion.

" 3. It would much encreaſe the charge of the war, and
" hinder the advance of money for ſupporting it; many of
" the adventurers, who had already ſubſcribed, upon hearing
" his majeſty's intention, declaring their reſolution not to pay
" in their money; and others who were willing to have ſub-
" ſcribed, now profeſſing the contrary.

" 4. His abſence would very much interrupt the good pro-
" ceedings of parliament.

" 5. It would exceedingly increaſe, and render more pro-
" bable, the jealouſies and fears of his people, of ſome force
" intended by evil councils near his majeſty, in oppoſition to
" the parliament.

" 6. It would bereave the parliament of that advantage,
" whereby they were induced to undertake that war, upon
" his majeſty's promiſe, that it ſhould be managed by their
" advice; which could not be done, if his majeſty, con
" trary to their counſels, ſhould undertake to order and go-
" vern it in his own perſon.

" Upon which reaſons both houſes declared, That they
" could not conſent to any levies of ſoldiers to be made by
" his majeſty for his intended expedition into Ireland, or to
" the payment of any army or ſoldiers there, but ſuch as
" ſhould be employed and governed according to their
" advice and direction: That if any ſuch levies ſhould be
" made by any commiſſion of his majeſty, (not agreed to by
" both houſes of parliament) they ſhould be forced to inter-
" pret the ſame to be raiſed to the terror of the people, and
" diſturbance of the public peace, and hold themſelves bound
" by the laws of the kingdom, to apply the authority of
" parliament to ſuppreſs the ſame. And they farther declared,
" That if his majeſty ſhould by ill counſel be perſuaded to
" go contrary to this advice of his parliament, they ſhould
" not in that caſe hold themſelves bound to ſubmit to any
" commiſſioners which his majeſty ſhould chuſe; but did
" reſolve to preſerve and govern the kingdom by the counſel
" and advice of parliament, for his majeſty and his poſte-
" rity, according to their allegiance and the laws of the
" land [n].

[n] Mr. Whitelock obſerves, that this petition was looked upon by many as very ſtrange and high, p. 57.

The

Charles I. 1642.

The king returned a long anſwer to this petition, and confuted all the parliament's reaſons, which indeed, conſidered in themſelves, were very weak. But if it is obſerved, that it was but ſix days ſince the king had reſolved to ſecure Hull, when the parliament preſented their petition to him, it will not be thought ſtrange that they rejected the king's offer. Wherefore they loſt no time in replying to the king, and the affair reſted there, without any farther mention of his majeſty's pretended expedition into Ireland. Only he made this advantage of it, that he could ſay he had offered to go in perſon and endeavour the reduction of Ireland, but that his offer was rejected.

Rushworth, iv. p. 561. Clarendon, t. i. p. 389.

The End of the Ninth Volume.

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